

accepted. But I made no request myself. I did not intend to press it now. I was in hopes that we might conclude the general debate on Thursday. I intended, and I have intended all along, as the Senator from Idaho well knows, as I have talked with him, to ask the Senate to adjourn over Decoration Day. I never had any other idea. I did not want to come back here on Saturday. But I could not consent to adjourn over Saturday also unless we could have some assurance for a vote next week. That was my own position, stated perfectly frankly.

I hope now, Mr. President, that after this discussion Senators will be willing on Thursday, perhaps—day after to-morrow—to fix a date for taking a vote. I hope by that time the general debate will be concluded, or very nearly concluded, and that we can then agree upon a time. Only one Senator remains to speak on this side. I have heard of only two, or at most three, on the other. I should think that we ought to dispose of those speeches to-morrow and Thursday, and, if need be, on Saturday, and that we shall then be able to vote on Tuesday.

Mr. BERRY. That is all right.

Mr. LODGE. I did not ask for an agreement. I had a talk with the Senator from Idaho. I do not wish to bring private conversations in here, but it is unavoidable to say that he and I talked this matter over. I told him then that I would not ask for any time at present and I did not mean to do so and I do not mean to do so now; but I merely express the hope that Senators will be willing on Thursday to fix a day next week. If we get along well to-morrow and Thursday, we may be able to adjourn over both Friday and Saturday. If we do not, then we shall have to sit on Saturday and go on with the general debate until it is concluded.

Now, Mr. President, unless some Senator desires to discuss further this matter of agreements, I will move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator from Massachusetts withhold the motion for a moment, that I may give a notice?

Mr. LODGE. I will yield for that purpose.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I desire to give notice that I shall ask the Senate to take up House bill 13676—the Military Academy appropriation bill—at some convenient time during the day on Thursday of this week.

#### EXECUTIVE SESSION.

Mr. CULLOM. I renew the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 28, 1902, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 27, 1902.*

##### APPOINTMENT AS MEDICAL OFFICER OF VOLUNTEERS.

Francis J. Bailey, of Oregon, contract surgeon, United States Army, to be assistant surgeon, United States Volunteers, with the rank of captain, May 26, 1902, vice Fogg, honorably discharged.

##### PROMOTIONS IN THE NAVY.

Commander William Swift, to be a captain in the Navy, from the 9th day of February, 1902, vice Capt. Philip H. Cooper, promoted.

Lieut. (Junior Grade) Roscoe C. Bulmer, to be a lieutenant in the Navy, from the 9th day of February, 1902, vice Lieut. John H. Gibbons, promoted.

Lieut. Martin Bevington, to be a lieutenant-commander in the Navy, from the 5th day of March, 1902, vice Lieut. Commander Asher C. Baker, promoted.

Lieut. Robert F. Lopez, to be a lieutenant-commander in the Navy, from the 11th day of April, 1902, vice Lieut. Commander John L. Purcell, an additional number in grade.

##### UNITED STATES ATTORNEY.

Charles C. Haupt, of Minnesota, to be United States attorney for the district of Minnesota, in the place of Robert G. Evans, deceased. Mr. Evans's term would have expired May 5, 1902.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 27, 1902.*

##### AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Robert S. McCormick, of Illinois, now envoy extraordinary and minister plenipotentiary there, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary.

##### SECRETARY OF EMBASSY.

Chandler Hale, of Maine, to be secretary of the embassy of the United States at Vienna, Austria.

##### SECOND SECRETARY OF EMBASSY.

George Barclay Rives, of New Jersey, now third secretary of the embassy at Berlin, to be second secretary of the embassy of the United States at Vienna, Austria, from July 1, 1902.

##### MARSHAL.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri.

##### DISTRICT JUDGE.

Alfred S. Moore, of Pennsylvania, to be judge of the district court of the district of Alaska, to be assigned to division No. 2.

##### UNITED STATES ATTORNEY.

Patrick H. Rourke, of North Dakota, to be United States attorney for the district of North Dakota.

##### POSTMASTERS.

Holly C. Clark, to be postmaster at Mount Morris, in the county of Ogle and State of Illinois.

Zachary Taylor, to be postmaster at Colfax, in the county of McLean and State of Illinois.

Thomas L. Green, to be postmaster at West Union, in the county of Fayette and State of Iowa.

James F. M. Greene, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois.

George W. Dicus, to be postmaster at Rochelle, in the county of Ogle and State of Illinois.

John P. Herrick, to be postmaster at Bolivar, in the county of Allegany and State of New York.

John H. Tower, to be postmaster at Sutton, in the county of Clay and State of Nebraska.

Samuel A. Stacy, to be postmaster at Ord, in the county of Valley and State of Nebraska.

Lewis C. O'Connor, to be postmaster at Geneseo, in the county of Livingston and State of New York.

William J. Cornell, to be postmaster at Chautauqua, in the county of Chautauqua and State of New York.

Melvin E. Horner, to be postmaster at Belmont, in the county of Allegany and State of New York.

Joseph S. Morgan, to be postmaster at Dubuque, in the county of Dubuque and State of Iowa.

William H. Whitehouse, to be postmaster at Mount Olive, in the county of Macoupin and State of Illinois.

William N. Wallace, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York.

Marcus L. Wood, to be postmaster at Frankfort, in the county of Herkimer and State of New York.

Benjamin A. Nichols, to be postmaster at West Liberty, in the county of Muscatine and State of Iowa.

Harry E. King, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.

Charles E. Carman, to be postmaster at Aiken, in the county of Aiken and State of South Carolina.

Luther McGee, to be postmaster at Joplin, in the county of Jasper and State of Missouri.

George T. Salmon, to be postmaster at Lima, in the county of Livingston and State of New York.

#### HOUSE OF REPRESENTATIVES.

*TUESDAY, May 27, 1902.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the legislative day of Monday was read, corrected, and approved.

##### IMMIGRATION BILL.

Mr. SHATTUC. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12199, the immigration bill, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien or aliens, foreigner or foreigners, shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States,

or by any person who shall first bring his action therefor in his own name, including any such alien or foreigner thus promised labor or service of any kind as aforesaid, as debts of like amount are recovered in the courts of the United States; and separate suits may be brought for each alien or foreigner thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

Mr. ALLEN of Kentucky. Mr. Chairman, I offer the following amendments:

The Clerk read as follows:

Insert in line 20, page 5, after the word "name," the following: "and for his own benefit." Strike out in line 2, page 6, after the word "suit," the following: "at the expense of" and insert the following: "when brought by."

Mr. ALLEN of Kentucky. Mr. Chairman, the existing law, as I understand, embraces the words in roman letters included in the present bill, and the words in italics are those added by the committee. The existing law includes the provision that the sums covered by this section shall be covered into the Treasury of the United States. Now, by the amendment recommended by the committee I see that a person may bring a suit in his own name. I understand by that that the purpose is that any party aggrieved by reason of being induced to come over here by false representation shall have a right to bring a suit in his own name, and I presume the committee intended that it should be for his own benefit; and in order that the intention may be carried out I offer the amendment "for his own benefit." I presume that because the words that it shall be covered into the Treasury of the United States have been omitted that therefore they mean that the amount recovered shall be for the benefit of the person who brought it.

Mr. SHATTUC. This amendment is to turn something over to the Treasury?

Mr. ALLEN of Kentucky. Oh, no; to the person who brought the suit instead of the Treasury, because you provide that he shall bring suit in his own name.

Now, the second amendment is over on page 6, line 2, of the bill, which provides for striking out "at the expense of" and inserting in lieu thereof "and brought by." Under the original bill the benefits of all these suits being for the United States the district attorney was required to prosecute it, but as the bill is changed, as I understand it is, for the benefit of the party who brings the suit, the district attorney would be required to prosecute the suit in the name and at the expense of the United States.

Mr. ROBINSON of Indiana. Are these two separate amendments connected so that they could not be separated?

Mr. ALLEN of Kentucky. They are connected, and I want them considered together, because the adoption of one means the adoption of the other.

Mr. SHATTUC. Mr. Chairman, I accept these amendments, both of them.

The question was considered, and the amendments were agreed to.

The Clerk read as follows:

SEC. 7. That it shall be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or other territory of the United States advertising the inducements they offer for immigration thereto, respectively.

Mr. COOMBS. Mr. Chairman, I move to strike out the last word. It seems to me, Mr. Chairman, that there is a looseness about this section which will be considerably confusing to the person who has finally the province of construing it. It says it shall be deemed a violation of section 4. This, mind you, is section 7. It is supposed in itself to be a piece of legislation self-operative with reference to the things contained in it. It starts out with reference to section 4. It does not say it shall be deemed unlawful, but it is deemed a violation of section 4 of this act to assist or encourage, etc. Now, it sets out the offense itself. It is an enumeration of the things which are inhibited within it and yet it makes it a violation of another section. It shall be deemed a violation of section 4 to assist or encourage the importation or migration of any alien by a promise of employment, etc.

It therefore becomes a violation of not only section 7 but also of section 4. The language is:

Through advertisements printed and published in any foreign country, and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2 of this act.

And the language continues:

And the penalties imposed by section 5 of this act shall be applicable to such a case.

Now, Mr. Chairman, we are dealing with section 7 of this bill, in which are invoked sections 2, 4, and 5. Thus we have four sections in *pari materia*, to be construed together; and under the ordinary rules of construction, if they are similar, if they do not

conflict, the references will be useless. If they do conflict in any material way, they can not be construed together, and they must be inoperative. Now, why would it not be better for the committee to take this section and rewrite it—to make it unlawful, by the terms of this section, to do things which are supposed to be inhibited by it, and not make it unlawful by a reference to some section which is supposed to contain the very same language.

This is a consideration which it seems to me should not go unheeded, and though I offer merely a pro forma amendment, I suggest that gentlemen of the committee take back this provision and rewrite it, as I think should be done.

Mr. SHATTUC. I do not think the gentleman from California [Mr. COOMBS] need be very much concerned about this section. It has been in operation now for many years, and I do not think there can be anything very bad about it or some one connected with the Treasury Department would have found it out by this time.

Mr. HEPBURN. Will the gentleman permit me?

Mr. SHATTUC. Certainly.

Mr. HEPBURN. I think the entire difficulty can be obviated, if there is a difficulty, by inserting, after the word "be," in line 15, the words "unlawful and be;" so as to read:

That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage, etc.

The amendment proposed by Mr. HEPBURN was read by the Clerk.

Mr. SHATTUC. Before voting upon that amendment, I want to say that as a business man I should greatly prefer to take this section as it is, it having stood the test for so many years. I, however, do not object to this amendment, because it is a simple one and seems to me fair and right.

The amendment of Mr. HEPBURN was agreed to.

Mr. WHEELER. Mr. Chairman, on the 19th day of May, when the bill making appropriations for the naval service was under consideration, the gentleman from Pennsylvania [Mr. ADAMS] made some remarks, displaying some knowledge which I certainly do not possess or lay claim to—a familiarity with the rules of this House. By an error of the stenographer, those remarks of the gentleman from Pennsylvania upon a question of order are, on page 6021 of the RECORD, credited to me. I did not make that speech; and, while I would not be ashamed of it, I have no desire to deprive the gentleman from Pennsylvania of the immortality which I am sure will attend his name by reason of those utterances; and I desire that the RECORD may do him full justice and not deprive his remarks of their true paternity. They are wrongly credited to me, and I object to their going to posterity under a false name. [Laughter.]

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. WHEELER] that the formal correction of the RECORD should be made in the House, not in Committee of the Whole.

Mr. WHEELER. "The gentleman from Kentucky" is aware of that, but he simply desired to call attention to the error.

The CHAIRMAN. The Clerk informs the Chair that the correction has already been made.

Mr. DALZELL. Mr. Chairman, I should like to ask the chairman of the committee [Mr. SHATTUC] what is intended by the language "or other territory of the United States" in line 24 of page 6 and line 1 of page 7—whether that language is intended to apply to our insular possessions? It seems to me, in view of the decision of the Supreme Court in our insular cases, that our insular possessions ought not to be designated in our legislation as "other territory of the United States." I therefore move to strike out those words "or other territory of the United States" and substitute the words "or place subject to the jurisdiction of the United States."

Mr. ROBINSON of Indiana. Has the attention of the gentleman from Pennsylvania been called to section 34, containing a construction of the words "United States?"

Mr. DALZELL. Yes; and I propose to offer an amendment at that place also, because the same difficulty arises there.

Mr. ROBINSON of Indiana. I simply desired to call the gentleman's attention to that part of the bill.

Mr. SHATTUC. Mr. Chairman, I will state that the committee will accept the amendment as offered by the gentleman from Pennsylvania [Mr. DALZELL].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 24, the words "or other territory of the United States" and substitute therefor the words "or place subject to the jurisdiction of the United States."

Mr. ROBINSON of Indiana. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.



Mr. ROBINSON of Indiana. As to the operation now under his amendment with reference to the Territory of Hawaii.

Mr. DALZELL. That is already provided for in the first part, "that this section shall not apply to States or Territories."

Mr. ROBINSON of Indiana. Would this provision of the law as amended apply to the Territory of Hawaii, excluding undesirable immigration to that place?

Mr. DALZELL. I do not think this amendment affects Hawaii at all. I think that is already covered by the previous paragraph.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. SMITH of Kentucky. Does not the gentleman from Pennsylvania understand that the Supreme Court held that the Philippines and Porto Rico were territory of the United States, territory "appurtenant," as they designated?

Mr. DALZELL. They are not territories of the United States in the same sense that the word "territory" is used in the first part of this paragraph.

Mr. PAYNE. They are territories belonging to the United States.

Mr. DALZELL. They are territories simply belonging to the United States, but they are not territories of the United States, and the evident purpose of this is to cover all the places over which the United States has jurisdiction. The proviso sets out that the section shall not apply to "States or Territories, the District of Columbia, or other territory of the United States." Now, the insular possessions are not territory of the United States in the sense that those words are used in this paragraph.

Mr. SMITH of Kentucky. But they are in the broad comprehensive sense.

Mr. DALZELL. Oh, they are territory belonging to the United States.

Mr. SMITH of Kentucky. "Appurtenant" to the United States is the decision of the Supreme Court, whatever that may mean.

Mr. DALZELL. Well, it is the same thing.

Mr. KLEBERG. Mr. Chairman, I would like to ask the chairman of the committee a question, as to why it would not be better to strike out this entire proviso. If it be wrong to make these flaming advertisements in foreign countries in order to bring aliens over here that we do not want, why should it not be wrong to publish them in this country? There seems to be a contradiction in this paragraph.

Mr. SHATTUC. I think it has all been satisfactorily arranged for by the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. KLEBERG. Oh, that refers to the technical meaning of the word "territory."

Mr. SHATTUC. Then what is the other proposition of the gentleman?

Mr. KLEBERG. My proposition is this: That the whole proviso is in conflict with the main section.

Mr. SHATTUC. We think not.

Mr. KLEBERG. That the main section prohibits the advertising of steamship companies.

Mr. SHATTUC. But this makes an exception of States and Territories who want to advertise themselves.

Mr. KLEBERG. What would prevent their having these advertisements go over there anyway?

Mr. SHATTUC. There is nothing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. COOMBS. Mr. Chairman, I want to ask unanimous consent to return to section 5. I was engaged in committee business when this was taken up, and I have a suggestion which I would like to offer.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to section 5 of the bill. Is there objection?

Mr. SHATTUC. I object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. SHATTUC. But I would ask unanimous consent that we may hear the gentleman's suggestion as to section 5. We will determine the question of whether we want to return to it after hearing the statement.

Mr. COOMBS. Mr. Chairman, section 5 is subject to the same objections that are pointed out to section 7. It says, "that for every violation of any of the provisions of section 4 of this act, the person, partnership, company, or corporation violating the same by knowingly," and so on, pointing out another offense. It invokes section 4, and provides as to a violation of that section by a corporation or a person or partnership by doing something else not mentioned, it may be, in the section, or so far as it may be mentioned, a repetition only, and it seems to me that the commit-

tee really does not intend any such legislation as that, for they would simply say that it is a violation of law for a company, person, or corporation, or partnership to do a certain thing without reference to the question as to whether there is a similarity between the enumeration in section 7 and in section 4, as to whether they are consistent, or by reason of inconsistency, that one shall fall and the other not.

Mr. Chairman, there is something in this section down below which gives the United States the right to sue the person, corporation, or company engaged in the transportation of people unlawfully to this country. Not only that, but it gives the person himself unlawfully transported here the privilege of suing these companies. In line 19 it says:

Or by any person who shall first bring his action therefor in his own name, including any such alien or foreigner thus promised labor or service of any kind as aforesaid.

In other words, if an alien is induced to come to this country by reason of solicitation and promise, or an advertisement, or any of the inducements generally urged for these purposes, under this act he has an action against the company. At the same time this law provides, mind you, Mr. Chairman, that we have a right to deport that alien instantly upon his arriving here. While in one instance, under the law, we have a right to deport him, in the other instance we give him the privilege of appealing to our courts. We throw around him the protection of the law and we clothe him with all the authority and privilege that our own citizens are clothed with in this country.

Now, does that not tend to fix his status here? If he has a right to sue in our courts, has he not a right to residence to the extent of the time until his suit shall be determined? Has he not a right to appear personally in court, and does it not negative the idea that we have the right under authority of this bill to deport him immediately to the country from whence he came? I think it is a dangerous provision to leave in here, and that the alien's right will, to some extent at least, be confused, and the authority of the people having the administration of this law must stand confused until that question is decided.

Mr. SHATTUC. Mr. Chairman, that law has been in effect, I think, for twenty years.

Mr. COOMBS. I should like to say something with reference to this twenty-year business.

Mr. SHATTUC. I am very anxious to get along with the bill.

Mr. COOMBS. Does the gentleman consent to return to that?

Mr. SHATTUC. No.

The CHAIRMAN. The gentleman from Ohio declines to return to this section. The Clerk will read.

The Clerk read as follows:

SEC. 9. That it shall be unlawful for any transportation company or the owner, master, agent, or consignee of any vessel to bring to any port within the United States or its territory any alien afflicted with a loathsome or dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to a port of the United States or its territory was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$100 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Mr. SHATTUC. There are some committee amendments to that section.

The Clerk read as follows:

On page 7, line 18, after the words "United States," strike out the words "or its territory."

On page 7, line 19, after the word "or," insert "with a."

On page 7, line 22, after the words "United States," strike out the words "or its territory."

Mr. PAYNE. What is the object of striking out those words "or its territory?"

Mr. SHATTUC. That is all taken care of in the thirty-fourth section of the bill.

Mr. PAYNE. Are the words "United States" defined?

Mr. SHATTUC. Yes. Section 34 says:

SEC. 34. That the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or place subject to the jurisdiction thereof.

Mr. PAYNE. All right.

Mr. MANN. May I call the attention of the gentleman from Ohio to the fact that the gentleman from Pennsylvania [Mr. DALZELL] gave notice that he would move to strike out in section 34, in that definition, the words "and any territory?"

Mr. SHATTUC. Have we passed that yet?

Mr. MANN. No; we have not reached that yet.

Mr. SHATTUC. Then we will attend to that when we get to it.

Mr. PAYNE. If that should be stricken out, would it not be advisable to leave it in here?

Mr. SHATTUC. I am perfectly well satisfied with the bill in

the way it is reported. If any of these constitutional lawyers want to change it, they must be here to do it.

Mr. MANN. Well, the gentleman may be perfectly satisfied with the way it is reported—

Mr. SHATTUC. What section does the gentleman refer to?

Mr. MANN. Section 34. It raises an apparent question under the decision of the Supreme Court in the insular cases, which I suppose the gentleman does not wish to have involved in this case.

Mr. SHATTUC. No; I do not. This was written with all the light we had at the time it was written.

Mr. MANN. I might say to the gentleman that the decision of the Supreme Court in the insular cases can not always be considered as light.

Mr. COOMBS. You do not want to disturb the law of twenty years ago, do you?

Mr. SHATTUC. I would rather take the law of twenty years than the opinion of some attorney here. I would rather take the chance of its being sustained.

Mr. ROBINSON of Indiana. At all events it is stricken out in this section.

Mr. MANN. Why not leave it in this section if you want to cover the territory of the United States?

Mr. PAYNE. What is the matter with the language in section 34?

Mr. MANN. The Supreme Court in the insular cases held that the Territories in this country, such as New Mexico and Arizona, had become incorporated into the Union; that the Constitution had extended over them, and that because of the legislation of Congress which had caused them to be incorporated into the Union Congress could not take away from those Territories the constitutional provisions; but I take it it is not desired in this bill in any way to extend the Constitution over the Philippines if it is not already extended.

The CHAIRMAN. The question is on agreeing to the committee amendments to section 9. Is a separate vote demanded on any of these amendments? If not, they will be voted on in gross.

The committee amendments to section 9 were agreed to.

The Clerk read as follows:

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections 12, 13, and 14 of this act, there shall be paid to the collector of customs at the port of arrival the sum of \$10 for each alien qualified to enter the United States concerning whom the above information is not contained in any list as aforesaid.

Mr. CLARK. Mr. Chairman, I ask unanimous consent to go back to section 13. I have an amendment I want to offer.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to section 13 for the purpose of offering an amendment. Is there objection?

Mr. SHATTUC. I object, until I can talk with him about it. What is the amendment?

Mr. CLARK. The amendment is to straighten up the language in lines 11 and 12.

Mr. SHATTUC. What is the nature of it?

Mr. CLARK. The nature of it is to have the examination made on the other side of the ocean in addition to having it here.

Mr. SHATTUC. I asked the gentleman to make a speech for the bill, and he said he would speak against it, and therefore I object. [Laughter.]

Mr. CLARK. Mr. Chairman, I move to strike out all after the word "provided," on page 12, section 16.

The CHAIRMAN. The Chair will state that section 16 has not yet been read.

Mr. CLARK. I thought it had just been read.

The Clerk read as follows:

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections 12, 13, and 14 of this act it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention until the return of such aliens to their care.

Mr. CLARK. Mr. Chairman, I move to strike out that proviso.

The CHAIRMAN. The gentleman from Missouri moves to strike out the proviso in section 16.

Mr. SHATTUC. I would like to hear the gentleman's views on that subject.

Mr. CLARK. My views are very brief. If you leave these words of that proviso in there, it will relieve the steamship com-

panies that bring these people over here from all responsibility under the law.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. CLARK. Yes.

Mr. SHATTUC. If we take these immigrants out of their control, why should we not be responsible for them?

Mr. CLARK. For this reason: Two-thirds of this immigration that you do not want is brought about by the industry of these steamship companies, in order to make the profit that there is in hauling these people back and forward across the ocean. They bring these prohibited classes over here when they know they have no business to bring them, and after they get them over here they do everything on the face of the earth they can to evade the law in reference to that very business.

Mr. SHATTUC. Do you not know they are fined a large sum of money for the violation of this section?

Mr. CLARK. You put the provision in here and it relieves them of the fines to a large extent.

Mr. PALMER. It relieves them until they return to their care. Read the last line.

Mr. CLARK. I read the last line.

Mr. PALMER (reading):

Shall be relieved of the responsibility for their detention until the return of such aliens to their care.

As long as they are not in their care the responsibility does not attach, but after their return the responsibility attaches.

Mr. CLARK. The whole thing ought to be struck out, and all of section 10, in lines 11 and 12, which my friend the Chairman will not let me amend, ought to be changed so as to read the port of embarkation instead of the port of arrival. Now, if the gentleman won't raise the point of order I will make remarks that will give you the best reason that can be given for it.

Mr. SHATTUC. I am always glad to hear the gentleman. I move that the gentleman may have five minutes to express himself on the subject.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. CLARK. Here is the situation. It is a plain business proposition. In the first place, the traditional policy of the people of the United States has undoubtedly been, and I think is yet, to let into this country such foreign-born people as we have reason to believe will make good citizens. Until a very few years ago there was no particular effort to restrict immigration. Within the last few years a crusade has begun in this country to shut out certain undesirable criminal classes, epileptics, and diseased people, and all that. The old law has this exclusive provision in it, to exclude undesirable classes. It provides that they shall be examined. Then a great wail goes out that these people come over here that you do not want, that the steamship companies know that you do not want, about the hardships of their being examined at our ports and returned to Europe again, or wherever they come from.

Now, I say it is in the interest of the people of the United States, and not only that, but in the interest of these foreigners themselves that want to come over here, of the excluded classes, to have these examinations at the port of embarkation rather than come clear across the ocean and have them examined here and then to be sent back to Europe. It would be a positive kindness to them—a saving of time, trouble, and money—to examine them on the other side. Instead of being a hardship, it relieves the hardship to these very people themselves. The ports of embarkation are very few. We already have consuls or consular agents at every one of them. In addition to the usual consular duties we can add to that the duty of having these people examined there, and it saves the expense of bringing them across the ocean, saves the trouble of the worry and the mortification of those people having to go back across the ocean again. As matter of fact, the South American Republics have this identical provision, and it saves litigation. It is a plain business proposition enacted for the benefit of the people of the United States and for the benefit of these people who want to come over here, too.

Mr. PERKINS. May I interrupt the gentleman?

Mr. CLARK. Yes.

Mr. PERKINS. I am not at all opposed to the proposition, but I would like to ask the gentleman in what way he would have the medical examination made in the foreign port? The consul will not be qualified to make a medical examination.

Mr. CLARK. I take it that it would not be any more difficult for a consul to get a good doctor over there to make the examination at the port of embarkation than it would be to get a good doctor in New York or in New Orleans.

Mr. McCALL. I would like to ask whether the existing law does not provide that the examination shall be made at the port of departure?

Mr. CLARK. I do not know; but I think it does.

Mr. McCALL. Does not this change existing law, and is it not something regarded as valuable in the administration of the law?



Mr. CLARK. I think the old law provides that they shall be examined over there. The italicized words in the clause change it so that they are examined only on this side.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUCKER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Missouri asks that his colleague's time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Has the gentleman the old law to which he refers?

Mr. CLARK. No; I have not. I think the gentleman from Massachusetts [Mr. McCALL] has it.

Mr. McCALL. I was trying to find the provision.

Mr. ADAMS. The old law refers only to the manifest of the ship. It provides that it shall be examined by the consul, but it has no relation to the emigrants at all.

Mr. ROBINSON of Indiana. I understood the gentleman from Pennsylvania to say the other day that this had been the custom at two or three ports, but there was no law to sanction it.

Mr. ADAMS. No; the gentleman from Indiana is mistaken.

Mr. ROBINSON of Indiana. Some gentleman on the floor made that statement.

Mr. ADAMS. It was not this "gentleman." The time, Mr. Chairman, for the adoption of the idea of the gentleman from Missouri [Mr. CLARK] has passed, but as long as he has raised the question I would like to reply and say why his proposition is not advisable and is not a simple business proposition which he has submitted to the House.

Mr. McCALL. Will the gentleman from Pennsylvania permit me to speak to the point to which he called my attention but a moment ago? The gentleman was mistaken in saying that this simply refers to the manifest. It provides that the "list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure before the sailing of said vessel, to the effect that he has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel sailing therewith to make a physical examination of each of said passengers, and from his personal inspection and the report of said surgeons he believes that no one of said passengers," etc., which is vastly broader than the gentleman had an idea it was.

Mr. ADAMS. No; the question submitted by the gentleman from Massachusetts, as I understood, was that there was a provision in the old law that the consul was to have something to do with the inspection of the immigrants, whereas I said it was simply to swear to the manifest, and he has found that the officer of a vessel must also swear to its inspection, but it is not different from my idea. The consul under the old law has nothing to do with the immigrants that come to the country; therefore it is a new proposition.

The gentleman states that this is in the interest of economy and is simply a business proposition. When asked by the gentleman from New York if the consul could make the necessary medical examination of the immigrants who are about to sail, his reply was that the consul could get as good doctors over there as they could on this side. Why, Mr. Chairman, this country does not wish to trust the foreign inspection of the immigrants coming to this country. We want the inspection of our own physicians, upon whom we can absolutely rely. I cast no disparagement on those physicians in foreign lands, but we know we can trust our own people.

I ask the gentleman to consider what would be the expense to this country of having these immigrants examined by the consul abroad and the staff that he would be obliged to have around him. He would be obliged to have a doctor. Then he would need also an expert in criminology, such as we have on this side. At each port of departure there would need to be a complete staff, such as we have at our leading ports, in order to examine these immigrants.

Now, wherein lies the difference in expense? At our ports we have steamers arriving at a single port almost daily from all the different countries. If such an examination were attempted at the foreign port, it would be necessary to have these expensive arrangements where probably there would be a sailing only once a week. As a simple business proposition it would probably be ten or twenty times more expensive to conduct the examination over there than to have it at our own ports.

Then there is another point. Our consuls are under the police jurisdiction, under the entire police control of foreign governments. They would not be so free to act in a matter of this kind as they might desire. And, besides, any country would resent the act of the representative of a foreign nation in putting the seal

of condemnation, either as to health or physical ability or criminality, upon any of its citizens or subjects who were about to sail for another country. The foreign government would say, "Is an officer of the United States Government to stamp our citizen or subject as in his judgment unhealthy or immoral and send him back to this community with the stigma upon him that he is unfit for military duty or for other service as a citizen?" I believe that any government would resent an act of this kind on the part of a foreign official.

Then there is another point. I believe that if we should undertake to endow our consuls abroad with this function their exequaturs would be withdrawn. They are there simply at the tolerance of the foreign nation. No such function as it is proposed to bestow upon our consuls is granted under international law to the consuls or other representatives of a foreign country. I refer the gentleman from Missouri to any of the text-books on the subject.

Now, Mr. Chairman, to come down to the amendment which is immediately before the House, the other is not and can not be. It is proposed to strike out the proviso at the end of section 16. The gentleman offering this amendment is an eminently fair man, as has been shown in the position he has taken on many questions in this House, but I doubt whether he has taken in fully the results that would follow if his amendment should be adopted. Surely he does not ask this House to say that when, under the law, the officer of the United States Government takes these immigrants off the ship and out of the jurisdiction and control of the ship's officers—

[Here the hammer fell.]

Mr. BUTLER of Pennsylvania. I ask that my colleague's time be extended for five minutes.

There was no objection.

Mr. ADAMS. The gentleman surely does not wish to hold any shipmaster responsible for the custody of individuals or money or other property that has been taken from his possession and controlled by authority of law. That would be such an act of injustice that I am sure the gentleman who offers this amendment would think about it very long before asking this House to adopt it.

Mr. METCALF. Does the gentleman believe that a provision requiring the examination of immigrants at the foreign ports could be efficiently enforced?

Mr. ADAMS. I doubt it very seriously. I have tried to state the objections to such a system. I may not have put the matter very clearly, but that was the tenor of my remarks.

But, as I have said, that amendment is not before the House, and can not be; and that is the reason I am laying more stress upon the amendment of the gentleman from Tennessee. If you will remove from this section the proviso which that gentleman proposes to strike out, you would hold an innocent party responsible for something which, by operation of law, you have placed beyond his control. That surely could not be right.

Mr. CLARK. I ask unanimous consent to speak for five minutes about this question of examination. It is a matter of considerable importance.

The CHAIRMAN. If there is no objection, the gentleman from Missouri will be recognized for five minutes.

There was no objection.

Mr. CLARK. Mr. Chairman, my friend from Pennsylvania [Mr. ADAMS] thinks that the examination can not be made at the foreign ports. Let me say that there are only a few ports of embarkation for immigrants from foreign countries; and I undertake to say it would in the end be absolutely cheaper for the people of the United States to have the examination conducted there; it would be cheaper and otherwise better to have a board created at every one of these foreign ports of embarkation for the purpose of conducting this examination. In order to prove this, I am going to reread to this House a letter which was read here the other day by my colleague [Mr. BARTHOLOMEW], which clears up this whole matter.

This is possibly the only United States consulate—

This letter is written, I understand, by some one of our consuls—my colleague can tell you who—

This is probably the only United States consulate where for some years there has been a consular inspection of emigrants. Let me tell you how this work is being done, with a view to encouraging an effort to have this system of inspection extended to all seaports whence emigrants leave for the United States. In the height of the season from three to four steamers of the North German Lloyd Steamship Company leave this port every week and each steamer requires from two to three inspections of the steerage passengers. At first all the bedding of these people is ordered into the disinfecting chamber, then each person is vaccinated and his or her physical condition carefully examined into, special care being taken to detect diseases of the eyes, skin, lungs, and mind, etc. The examination takes place in the presence of the United States consul or one of his assistants, and is in charge of Dr. Peltzer, a sworn medical officer of our Government, who is assisted by one or two physicians of the Lloyd Steamship Company.

As soon as trachoma, lupus, pulmonary phthisis, and certain other diseases or any mental trouble is discovered the person so afflicted is rejected, and the

consul regularly sends the list of all rejected emigrants to the commissioner of immigration at New York or Baltimore or Galveston, whither the steamer may be bound. At the same time the steamship company is also at once notified as to which passengers have been rejected at the consular inspection, whereupon they may, if they choose, investigate the cases more closely and determine for themselves whether or not they will risk taking such rejected passengers to the American port.

The system of consular inspection here at Bremen was introduced without any order from the State Department, but with its full sanction. If I am correctly informed, it was begun at the request of the Lloyd people themselves, who evidently were prompted by a humane desire to have the fate of unfortunate emigrants decided at the earliest possible moment, and also by their own business interests, for it undoubtedly has saved them considerable sums of money to have people retained on this side who probably would have been excluded by the Treasury officials at our ports of entry and deported at the expense of the steamship company. And, as is well known also to the Department, the North German Lloyd Steamship Company spare neither pains nor money to have the inspection done right, and they regularly reimburse this consulate for the salary paid the examining physician.

The records at the various immigration bureaus will show, I believe, that the work done at this port by the present system of consular inspection of emigrants has been fairly successful. I know that among the deported steerage passengers there are but very few that have passed the consular inspection at Bremen. In looking over the lists of such deported aliens which are regularly sent me I rarely ever find a person returned to Bremen on account of some physical disability, etc.

Mr. ROBINSON of Indiana. That is without authority of law, but it is a custom that has arisen.

Mr. CLARK. That is without authority of law, but it is a custom that that consul has established himself, it seems.

Mr. ADAMS. What is the place?

Mr. CLARK. Bremen. Now, Mr. Chairman, I say this: It is none of the business of the foreign government to decide what our consul is over there for, as long as the consul does not interfere with either the social or political arrangements of the country that he is accredited to, and all this talk about giving them their exequaturs is moonshine, to put it politely. I am credibly informed that the republics of South America have their agents at all of these ports of embarkation, and one of the representatives of the American Federation of Labor, and an intelligent man, told me the other day that he had seen at one of the ports in Italy a lot of these men come along who belonged to these excluded classes in this country, and a representative of Brazil on personal inspection could see that they fell under one of those classes and would not allow them onto the ship that was bound to South America. They then walked out across the gang plank and got onto the ship bound for the United States.

As to having a criminologist, I can not conceive of a more thoroughly useless adjunct to an office either in the United States or in Europe. There is not any criminologist living who can tell whether a man is a criminal or not with anything like certainty, and as far as ascertaining the criminal record of a man is concerned you can do it a hundred times more easily at the port of embarkation than you can here at the port where he lands, because you have access to the courts of record. For instance, if you want to know whether a man has been sent to the penitentiary—for ex-convicts are excluded—how can you tell when he gets to the American port? The chances are one thousand to one that a man who has been in the penitentiary will tell a lie or swear to it, for that matter, if it suits his convenience. Over there where he comes from you have the records of the courts to examine, and if there is any question about it the consul can find out, and there never was a proposition made in this House that was plainer or of more practical utility than the one under discussion.

Mr. DOUGLAS. Mr. Chairman, I would like to ask the gentleman from Missouri if he intends that examination to be final?

Mr. CLARK. I would not care whether they had another one over here, but I am not sure but it would be better to have one over there than one over here if you are to have only one.

Mr. BARTHOLDT. Mr. Chairman, I would like to say that I thoroughly agree with the gentleman from Missouri, my colleague, but I want to ask him whether he would vote to substitute my suggestion which I made the other day in committee, providing for an examination on the other side, abroad, in place of the examination on this side, in preference to what is usually and generally termed the educational test on this side alone?

Mr. CLARK. Why, yes, I would vote for it without any hesitancy whatever. In fact, I did vote for it the other day when my colleague [Mr. BARTHOLDT] offered it; and I will vote against this bill unless it is fixed up better than it is now, too. This bill is too loosely drawn.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. SHATTUC. Mr. Chairman, this amendment ought not to be changed. It was made after conference with all the commissioners of immigration, the Secretary of the Treasury, and with the Commissioner-General of Immigration, and there is no reason why it should be stricken out; no good reason has been given, and there is no good reason. I hope it will be left as it is.

Mr. BOWIE. Mr. Chairman, I would ask unanimous consent to print some remarks on this bill in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to print some remarks on this bill in the RECORD. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I understand that during my temporary absence from the floor the question has been raised as to whether an examination of emigrants in European ports of embarkation would in any way conflict with the rights of other governments, and whether such a system of inspection and examination would be tolerated by other governments.

Mr. ROBINSON of Indiana. As to whether there is any law for it now.

Mr. BARTHOLDT. There is no law for it, but with the permission of the German Government—to cite one instance—a system of inspection is now in vogue in the city of Bremen, where the consul personally inspects every emigrant that goes on board of any ship leaving that port. He is assisted by a United States medical officer and by two physicians appointed by the Lloyd Steamship Company. No objection has ever been raised by the German Government against that system, and if we should give it the authority of law I do not think any objection would be raised either by the German or any other European government.

The point is this, Mr. Chairman: We want, if possible, to prevent the people barred under our laws from coming across the ocean, and thus avoid the necessity of sending them back. If possible we want to make the inspection on the other side, and prevent objectionable immigrants from embarking at all. That is the advantage of the system I propose over the amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD]. I do not advocate a system of certification, because that might bring an American consul in conflict with the laws of Europe. If, for instance, a young man who is subject to military duty should come to a port of embarkation, the consul, because of the law of the land, might be compelled to reject him. He would have to refuse him a certificate, at least. But what we want is merely for the consul to ascertain officially whether a man or a woman fulfills all the requirements of American law.

Mr. ROBINSON of Indiana. Mr. Chairman, if I may interrupt the gentleman from Missouri, I should like to make a suggestion or two and would like to have his judgment upon them. His theory is to have the inspection before embarkation. That would necessitate the employment of a physician and the furnishing of the machinery to this end. Now, in addition to that, if we have a system of careful inspection here, where the officers are under the jurisdiction and control, and under the eye and in direct responsibility to the people of the United States, would not that cast the burden upon the steamship companies that are bringing these people over here in violation of our laws because of their cupidity and their promotion of immigration? Would they not be compelled in self-defense to see, before these immigrants are embarked at all, that they will not be likely to be rejected here.

Mr. BARTHOLDT. Mr. Chairman, this suggestion of mine would in no wise relieve the steamship companies from any responsibility. If an emigrant should slip through the picket line on the other side and come here and be found to be not admissible under our laws, he would be sent back and the steamship companies would have to pay the expense.

[Here the hammer fell.]

Mr. ROBINSON of Indiana. I ask that the gentleman have five minutes more.

Mr. SHATTUC. I object.

Mr. ROBINSON of Indiana. I move to strike out the last word.

Mr. SHATTUC. I give notice now that there will be no more speaking on this bill unless it is germane. This talk has all been going on by unanimous consent. I permitted it out of regard for my friend from Missouri [Mr. BARTHOLDT], and it has gone as far as I can allow it to go.

Mr. ROBINSON of Indiana. With the courtesy of the gentleman from Missouri, I will only take a little time to ask him whether his theory is to have not only the system of inspection at the point of embarkation which he explained to us the other day, but also to have the severe United States examination at this end of the line, so as to secure the result, or would he have but one inspection?

Mr. BARTHOLDT. Mr. Chairman, in answer to that question I will say that I am not in favor of the particular educational test proposed in the amendment of the gentleman from Alabama [Mr. UNDERWOOD]. I believe that is a very large proposition.

Mr. ROBINSON of Indiana. But that is not the point I make.

Mr. BARTHOLDT. You ask an immigrant to understand and read the Constitution of the United States. That is a severe test. I might be more friendly to the proposition if you would substitute, for instance, the Bible, or some standard work on American history.



Mr. SHATTUC. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. This is not germane.

The CHAIRMAN. The gentleman will proceed in order. The pending amendment is the amendment to strike out the proviso at the end of section 16.

Mr. ROBINSON of Indiana. Now, Mr. Chairman, the question is not as to the educational test, but suppose the gentleman has his way and has an inspection with reference to morality and physical condition in Germany, for instance, would he want likewise to have the severe examination that is proposed by this bill at this end of the line?

Mr. BARTHOLDT. I will say to my friend that we now have an examination at this end, and that examination as it is now conducted is in my judgment sufficient, if we have a thorough system of inspection and examination on the other side into the moral, physical, and mental qualifications of every immigrant proposing to come to us.

Mr. ROBINSON of Indiana. Mr. Chairman, I should be loath to surrender to a foreign port, or to the officers of the United States in a foreign country, the inspection of immigrants such as we ought to have to secure the requisites desired to be accomplished by this bill. We have an inspection now, we have an inspection under the eye and espionage of the United States people at home now, a charge upon the steamship companies, who are responsible under the laws, under which they are compelled to take back all such as by careful examination shall be found not admissible; and if it was to be done in the foreign port the navigation companies would be relieved from securing at their own expense surgeons to make this inspection.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. ROBINSON of Indiana. Certainly.

Mr. CLARK. Is not all the hullabaloo and cutting up about the hardship of this business based on the fact of the examination here and then sending them back across the ocean?

Mr. ROBINSON of Indiana. I would suggest to the gentleman that the examination provided here, which is severe and under the espionage and under our control, more nearly makes the onus on the steamship companies not to embark the passengers, because they are to be taken back again if they are found to be not admissible.

Mr. CLARK. Will the gentleman allow me to ask him another question?

Mr. ROBINSON of Indiana. Certainly.

Mr. CLARK. Do you not think that Mr. BARTHOLDT's amendment, providing for a mental, physical, and moral examination of these immigrants, will more certainly ascertain their fitness to come in than the so-called educational test?

Mr. ROBINSON of Indiana. The educational test has already been passed upon by the House. I would, if necessary, provide an additional examination—one at a foreign port and the other here. I think probably that the evil is so great as to warrant both examinations. Of this I am not certain.

Mr. UNDERWOOD. Mr. Chairman, I desire to be recognized in opposition to the amendment to strike out the last word. I want to say in opposition to the idea of foreign inspection that there are some very good reasons why the inspection of immigrants should be made in America and not in a foreign country. As suggested here the other day, if a young man wants to leave one of the foreign countries, such as Germany, Austria, or France, there is a law prohibiting his leaving there until he has rendered military service. If we have a consular inspection on the other side of the water, our consuls could not stay in that country and yet assist or help that immigrant in leaving his country; could not give him a certificate, no matter how well educated he was or how much we might want him here as a citizen; the consular officer of the United States could not under the comity of nations sign a certificate allowing that man to emigrate to this country while standing on foreign soil in violation of the laws of that country.

Mr. WACHTER. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. WACHTER. Do you not agree to the fact that even if the inspection takes place on this side that the qualifications necessary for the entry of such an immigrant would be known all over the world?

Mr. UNDERWOOD. But that has nothing to do with my contention. It certainly would be known. I say a consular officer of the United States could not issue a certificate to immigrants on foreign soil, whereas when the immigrant had landed on our soil he can be inspected no matter whether he came to escape military duty or for any other reason. When we would not reject him we could accept him on this soil, but our consular officer

residing in the country from which he came could not issue a certificate.

Mr. CLARK. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. CLARK. Do you not know that the consulate where the American consul is located is American territory anywhere?

Mr. UNDERWOOD. Certainly.

Mr. CLARK. Then why could not he issue a certificate?

Mr. UNDERWOOD. Because we could not send a consular officer to a foreign country and maintain him there in violation of the laws of that country.

Mr. CLARK. It would not be in violation of any law there. It would be simply enforcing the laws of the United States on a particular subject.

Mr. UNDERWOOD. In the Empire of Germany there is a statute which provides that no young men shall leave that country until they shall have served time as soldiers of the Empire. Would it not be in violation of the laws of Germany if the consular officer of the United States residing in Germany aided one of these men to violate the laws of his own country?

Mr. CLARK. Certainly not. He simply certifies that under the laws of the United States that particular individual is a permissible immigrant to this country.

Mr. UNDERWOOD. But the consular officer knows that under the law the man is subject to military service in that country. The point that I object to is, that no immigrant shall leave his own country until he gets the certificate of a consular officer of the United States instead of having him examined on this side.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BARTHOLDT. I believe my friend from Alabama did not listen to my explanation. It is not intended, Mr. Chairman, that the consuls in the ports of embarkation shall issue certificates. It is not intended for the consuls to inquire whether the young man who offers himself as an immigrant complies with the German or the French or the English or any other law. The American consul does nothing but to say that the young man is all right as far as American law and American qualifications are concerned, or, on the other hand, he stops him then and there from proceeding any further.

Mr. UNDERWOOD. I understand all that.

Mr. BARTHOLDT. He simply passes him and says, without any special certification, "This man is all right; he can go."

Mr. UNDERWOOD. Certainly there is no difference between the gentleman from Missouri and myself as to what the consul would do. I do not pretend the American consul would stay there and certify that the man was not violating the German law in leaving the German Empire; but I say that a man maintaining a consular office in Germany, if he authorized immigrants and gave to them a certificate when they were leaving Germany in violation of German law, could not stay there, because the Emperor would say that the consul was persona non grata, and he would not allow us to maintain a consular officer there.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DOUGLAS rose.

Mr. SHATTUC. Mr. Chairman, I give notice that I shall move that debate be closed after the gentleman from New York has spoken.

Mr. DOUGLAS. Mr. Chairman, I wish to say that the committee gave careful attention to this subject, and while it is, of course, possible and feasible to make examinations on the other side, yet at the same time it would necessitate the sending abroad of a large corps of doctors in the employ of the United States Government, as we naturally would not care to depend on foreign doctors, and it would entail unnecessary expense. It seems far best to have the final examination on the shores of our own country, because then we throw the onus or the responsibility on the steamship lines to make at ports of embarkation, according to our law, most careful and critical examination of all aliens before they are allowed to go on board the steamer. If they then make mistakes, if they do not safeguard properly the law which we provide that they must follow, the responsibility rests with them, and we have the privilege of correcting that error on their part when we inspect at this end. To have the consuls of the United States hire doctors on the other side, foreign doctors, would not fill the bill at all. It would be an unwise proposition, and I have been surprised to hear the gentleman from Missouri advocate anything of that kind, intelligent man that he is. We all know immigrants are most anxious to reach our shores, and that we are receiving far more of them than we ought to, and often not a class that commend themselves to our sympathy.

Under these circumstances foreign doctors dealing with their

own countrymen would be able in many cases to give them certificates which would not be proper; whereas if final decision is left to our own physicians, when the alien arrives here, if careful selection was not made we can deport them.

If we allow the examination to be made abroad, there would be serious trouble here, because they would show certificates and claim that they had a right to land on our shores when they might not be fit to become citizens. This has been proved by the experience in other countries. The assertion has been made that other nations had this provision and it worked well. That is not quite correct. I know of no other nation that absolutely accepts the examination made in other countries, except where they offer a premium for immigration, where they desire to have certain people come to their shores, and then they even pay or partly pay for their passage. That has been done in South America and Australia and other places. But there the alien is so critically examined that there can be no question at all except so far as health is concerned, and this is also closely looked into.

Now, you take the physical examination on the other side, and it would be preposterous to accept it. It is well known that the change of the condition from land to sea will often develop diseases in a person who might be properly passed by the doctor on the other side and sail away with the most complete health, yet when he reaches our shores several weeks afterwards he will develop diseases undiscovered previously in his constitution.

Now, there are all these points which have been carefully considered and gone into by the committee, and I do not think it is advisable or wise to pass amendments to this act after it has been considered by the Department and by the committee, without giving serious thought and judgment to the question. They ought not to be offered and passed without looking them up in the most careful and critical manner.

Mr. CLARK. I would like to inquire if the gentleman knows whether President Roosevelt recommended the same identical thing that I have suggested in this amendment?

Mr. DOUGLAS. I do not object to the ideas of the President, but perhaps I would not always agree with him.

Mr. CLARK. No; but the gentleman was reflecting on my intelligence.

Mr. DOUGLAS. Oh, no; I beg the gentleman's pardon. I was applauding it. What I said, if I may answer the gentleman, was that the idea of inspection on the other side was not wise, and would cause more expense than if the work was done here.

Mr. CLARK. The question of expense cuts absolutely no figure in the matter. The efficiency of the examination is what you are after, in my judgment. I think if you had adopted the amendment offered by the gentleman from Missouri [Mr. BARTHOLOLT] the other day it would have relieved the whole situation. That provided for an entire examination—mental, physical, and moral.

Mr. METCALF. You do not propose to do away with the examination and inspection on this side?

Mr. CLARK. Oh, no.

Mr. METCALF. In other words, you provide for a double examination.

Mr. WACHTER. I should like to ask the gentleman from Missouri [Mr. CLARK] a question. Suppose an immigrant is examined at Bremen and is given a "clean bill;" and suppose something transpires on the voyage which does not permit the landing of that person. What will be the status of such a person, having received a "clean bill" at Bremen, but being rejected here? At whose charge will such a person be returned, or can he get into this country?

Mr. CLARK. I think he ought to be let in. I do not believe that travel across the ocean develops any disease except sea sickness. [Laughter.]

The CHAIRMAN (having put the question on the amendment of Mr. CLARK). The noes appear to have it.

Mr. CLARK. I call for tellers.

Tellers were ordered; and Mr. SHATTUC and Mr. CLARK were appointed.

The committee again divided; and the tellers reported—ayes 29, noes 49.

So the amendment was rejected.

The Clerk read section 17, with the amendments reported by the committee; which were agreed to.

Mr. PADGETT. I ask unanimous consent to print some remarks in the RECORD.

Mr. SHATTUC. On what subject?

Mr. PADGETT. On the subject of banking and currency.

There being no objection, leave was granted.

Mr. PADGETT. Mr. Chairman, the majority members of the Committee on Banking and Currency have submitted a report recommending the passage of H. R. 13363, commonly known as the Fowler banking and currency bill. The minority members of the committee have submitted a report adverse to said bill, setting forth reasons why said bill should not pass.

It is my purpose to call to the attention of the House the vari-

ous provisions of said bill, and to set forth some of the reasons why we think the position of the minority members of the committee is well taken, and that the bill should be defeated.

This bill is very comprehensive and far-reaching in its scope, and we believe in its results will be very pernicious and destructive of the best interests of the country. The bill is exceedingly radical and will subvert the whole banking and currency system of the country, and we believe will be ruinous to the stability of our currency and subversive of the development of the banking system of the country. The bill is entitled "A bill to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws." This is a very fascinating title. If the bill would provide an elastic currency and equalize the rates of interest throughout the country without carrying with it many evils which we are persuaded would result from its enactment, it would accomplish a much-needed and very desirable purpose.

But we do not believe that the bill would result in adding either strength or benefit to the present gold standard, nor do we believe that its passage would provide a safe and sound currency or lower or equalize the rates of interest throughout the country. On the contrary, we believe that it is a cumbersome and hazardous experiment, one calculated, in a large measure, to weaken and injure the existing banking and currency system. Instead of being an improvement upon the existing system or remedying existing evils and defects, it is calculated to create unrest and distrust throughout the country and weaken the confidence of the public in our whole financial fabric. The bill provides for the abolition of the office of the Comptroller of the Currency and substitutes in his stead a board consisting of three members, whose term of office shall be twelve years, except that the terms of the first three members shall be for twelve, eight, and four years, respectively. The salary of each member of the board shall be \$7,500 per annum.

While we would not emphasize or magnify with undue stress our dissent upon this provision in view of the subsequent more far-reaching evils of the bill, yet we think it proper to call attention to the fact that it increases the number of officers threefold and multiplies the salary expense nearly fivefold, not to mention such additional clerical expenses as this change will necessitate. It lengthens the term of office from five to twelve years. This we deem unwise and contrary to the fundamental ideas and practices of our Government from its foundation. For these changes we see no adequate necessity, nor do we believe any sufficient reasons exist. The contention of the majority that such a change will secure better service is fully met by the possibility of inferior service. It is easier to secure the reappointment of an efficient public servant than to get rid of an inefficient one holding by the tenure of office provided in this bill.

The provision of the bill that the salaries of the members of the board shall be paid out of the taxes collected from the banks upon their note circulation in no way meets the objection to the multiplication of public offices or the increase of public salaries. The tax upon the note circulation is only an indirect method of levying a tax upon the public.

The majority assert that one of the purposes of the bill is "to simplify and limit the Government fiscal operations." If such be true, we see no reason or necessity for increasing the number of officers and the increase of the salaries.

Section 2 of the bill provides for the issuance by the national banks of a currency based upon general assets, and also provides for the retirement and cancellation of the United States notes commonly known as greenbacks. It provides "that if any national bank shall assume the current redemption of an amount of United States notes equal to 20 per cent of its paid-up capital, it shall have the right, without depositing United States bonds as now provided by law, first, to immediately take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital by paying a tax on the first days of January and July of each year of one-eighth of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months."

Second, after the expiration of one year to take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital upon the same terms.

At any time after the expiration of the second, third, fourth, and fifth year to take out for issue and circulate an amount of bank notes equal to 10 per cent of its paid-up capital for each of said years, upon which it shall pay a tax of 1½ per cent per annum upon the average amount of such notes in circulation.

With the approval of the board of control, after the expiration of six years, it may take out an emergency circulation equal to 20 per cent, upon which it shall pay a tax of 3 per cent per annum, and with the approval of said board, after the expiration of seven years, may take out an emergency circulation of 20 per cent, upon which it shall pay a tax of 5 per cent per annum.

The bill provides that these bank notes shall constitute a first lien upon the assets of the bank.



While not combatting the proposition that it might be well by suitable regulations to provide for an emergency circulation properly safeguarded so as to afford a safe and sound currency to the people when needed, we are firmly persuaded that the scheme provided in this bill is unsafe, and that the currency will prove insecure and unsatisfactory in times of stress and panic.

We believe that it is apparent to all who will dispassionately consider the scheme that the large banks will hesitate to place upon themselves the burden of the current redemption in gold of the greenbacks as provided in the bill, nor do we believe that the banks in the smaller towns and villages, whose facilities for acquiring gold are limited, will inflict upon themselves the unequal and unjust burdens and discriminations which will result from the passage of this bill.

Under existing laws relative to bank reserves and the deposit thereof in the reserve cities and the central reserve cities, a very large amount of money, amounting at the present time to about \$225,000,000, is derived from the banks of the other cities and villages of the United States and kept on deposit in the three central reserve cities. Under existing laws the national banks can deposit United States 2 per cent bonds and receive in circulating notes the par value of the bonds, and at the same time receive the interest on the bonds and only pay a tax of one-half of 1 per cent per annum on circulation.

Under the proposed bill, on the first 20 per cent of currency issue the tax is one-fourth per cent; on the next 40 per cent it is  $1\frac{1}{2}$  per cent; on the next 20 per cent it is 3 per cent, and on the next 20 per cent it is 5 per cent. In addition the bank is required to assume and maintain the current redemption in gold of an amount of greenbacks equal to 20 per cent of its capital stock.

We do not believe that the national banks would exchange the privileges of the existing law for the burdens of the proposed law, and the result would only be confusion in our monetary system and injury to the people. We believe that stability in our financial system is a condition not to be ignored and a virtue not to be despised. Especially is this true when the measure offered promises more of evil than of good.

The proposition involved in the bill is to authorize the national banks to issue a general asset currency pure and simple. We do not deem it necessary or proper at this time to discuss the propriety of authorizing national banks to issue currency, as that is not the question involved in this bill. We shall confine ourselves strictly to the propositions of this bill.

It will be noticed that the bill contains no provision requiring the maintenance of any metallic reserve of either gold or silver. In fact, by its subsequent provisions, as we shall note later on, it seeks to destroy utterly the silver dollar as standard money. The security provided for the payment of these notes of issue consists of a first lien upon the assets of the bank and a 5 per cent guaranty fund deposited in the Treasury of the United States.

We insist that it is unfair to the depositors of a bank to inaugurate a system of currency which is a first lien upon the deposits of the bank. The depositors are the best friends of every bank; they give it support and encouragement. Their deposits constitute the life blood of the institution, and we insist that it is not wise to inaugurate a system which subjects these deposits to a first lien in favor of the note holder. We know it is said that the notes are currency, and circulate as money and pass from hand to hand throughout the country to innocent holders, and that the innocent holder should be protected, and that he should not be forced to investigate the condition of the bank.

The force of this position we fully realize, but we insist that it is not necessary to institute in this country a system which will place the holder of the bank note in such a condition, and it would be unwise to inaugurate in our country any banking and currency system which would place the depositor in such a condition. It is not so in England, in Germany, or in France, which are the great commercial countries in the world; and we insist that it would be a financial outrage to inaugurate a system in this country that would place the depositors in the position of having their deposits taken to pay the notes of the bank. The depositors are as much creditors of the bank as the note holders.

These considerations only illustrate the weakness and fallacy of the position of the advocates of this bill. They assert that the 5 per cent guaranty fund will be more than adequate to secure the payment and afford ample protection to the entire bank issue. If their contention is true, why are they unwilling to allow it to constitute the guaranty for the payment of the note, and why do they insist that the deposits shall be liable under a first lien?

If the 5 per cent guaranty fund affords adequate protection, there is as much equity and justice in constituting the banks of the country a mutual and joint guarantor, through the medium of this 5 per cent guaranty fund, of the bank-note issue as there is to require the deposits to stand as such a guaranty. In fact, there is more equity and justice in the proposition, and it is better public policy. The bankers are better versed in such matters, have a more intimate and comprehensive knowledge of the

situation, and have better opportunities and facilities for ascertaining and knowing the dealings and solvency or insolvency of the banks than the depositors. Moreover, such a liability would constitute every bank a lively agent to look after the solvency of the other banks, and in this way would exercise a healthy and benign influence in maintaining proper and legitimate banking.

On the other hand, the proposition of the majority to constitute the bank note a first lien upon the assets, and thereby subject the deposits to the payment of the bank notes, is an incentive to fraud and corruption, as it will be an invitation to the officers of the bank, upon its approaching insolvency, to scuttle the bank in favor of the local depositors. Especially do we consider this feature obnoxious in view of the other provisions of the bill which authorize the establishment of branch banks throughout this country and even in foreign countries. In such cases the depositor in the local branch would have no opportunity to acquaint himself with the conditions or methods of business of the parent bank or its other branches.

The provisions of the bill for the redemption of the notes of issue of the bank are at best questionable and uncertain. They will be sufficient for good times, but in seasons of financial stress and panic, when the people lose confidence in the banks and their management and hoard their money, the provisions made for the redemption of this asset currency are wholly insecure and insufficient.

The majority seek to support their contention for asset currency by reference to the history of the national-bank currency. There is no parallel between the two issues. The national banks have not in any sense issued an asset currency. The issues of the national banks have been secured by special deposit of Government securities. The public realize that the bank notes were absolutely secured and did not in any way or to any extent depend for their payment upon the solvency of the bank or the wisdom or honesty of its management. It is not difficult to perceive a wide difference between such a security and one depending for its payment upon the proper management of the bank and the honesty of its officials. In times of a general financial stress or panic, when the people lose confidence in banks and hoard their money and the bank notes return to the banks for redemption, it is not difficult to forecast the results of such a condition when the banks have to redeem their own notes in gold and also an amount of United States notes equal to 20 per cent of their capital, and there has been no provision of law for securing or maintaining a metallic reserve in the banks for redemption purposes.

The majority cite the history of European banks to support their theory of asset currency. Aside from the differences in political and social conditions, we think there is little, if any, comfort to them from these sources. The Bank of England does not issue asset currency at all. Every note in the Bank of England has behind it, in the bank, the full equivalent of gold, except about \$84,000,000, which is secured by Government bonds.

In Germany the Imperial Bank is obliged to hold in its vaults, as security for its bank notes in actual circulation at any time, at least one-third in current German gold, Government certificates, or in bullion or foreign coin (the pound fine being reckoned at \$348), and the balance in discounted notes which bear maturity of three months at the longest and on which the names of three, or at least two, persons known to be responsible stand as indorsers.

In France, while the law does not specifically provide for a definite metallic reserve, yet the fact is that the Bank of France holds a metallic reserve rarely, if ever, less than 75 per cent or 80 per cent of its outstanding note issue. It will be remembered that in none of these countries does free banking exist to any appreciable degree. Banking is a monopoly, and the Bank of England, the Bank of France, and the Imperial Bank of Germany not only have the practical monopoly of banking in those countries, but they are the fiscal agents of the Government and share an intimate relationship with the Government wholly at variance with our political conditions. The majority members of the Committee on Banking and Currency advocate a general asset currency for the reason, as they say, the demands of the business of the country will determine and regulate the volume thereof.

They lose sight of the fact that under the provisions of section 2 of the bill it requires five years in which to issue an amount equal to 60 per cent of the paid-up capital of the banks. This provision is a limitation upon the regulations of the business demands of the country, and is a denial of the right of the business demands to determine the volume of the currency in circulation. The emergency circulation provided for is only available after the lapse of six or seven years. The bill makes no provision for an emergency circulation during the six years following the passage of the act, and during the first five years limits the issue by the banks during any one year to 10 per cent of its paid-up capital. What assurance have we, if an emergency circulation is desirable and useful, that it will not be needed within the next six years? If it is dangerous to allow an emergency circulation to be issued during the next six years, what assurance have we that it will not be equally dangerous thereafter?



The outstanding United States notes amount to more than \$346,000,000, and under the provisions of this bill, if the banks should avail themselves of its provisions and assume the current redemption of \$130,000,000 of United States notes, immediately more than \$216,000,000 of United States notes would be withdrawn from the circulation of the country, and only \$65,000,000 of bank notes issued in lieu, and thus we would have a contraction of the currency of \$151,000,000, which under the provisions of this bill could only be replaced at the rate of \$65,000,000 a year upon the present basis of national bank capital. No good can result to the business interests of this country by so violent a contraction of the volume of currency and no provision available for an emergency circulation to supply its place.

After the expiration of seven years and all the provisions of the bill become operative, then it would be true, as the advocates of the bill claim, that an opportunity would be afforded for the demands of trade to regulate and determine the volume of currency. Under such conditions an asset currency encounters another danger. It is not always safe to allow the volume of currency to be determined by the borrowers of money. In such case the amount of the currency may increase or diminish according to the supposed rather than the real wants of business.

It occurs to us that under the latter conditions wild speculation or illegitimate combinations may bring about an undue inflation of the currency; and the insolvency of some large trading concerns return to the bank for redemption in gold an amount of notes which would prove embarrassing.

It occurs to us that the friends of this measure have embraced the popular misconception, which in our former history was so widespread throughout the country, "that banks in good credit can circulate a far greater sum than the actual quantum of their capital in metallic redemption money." This is the fundamental notion of all juggling with bank issues. This was the radical error in the system of banking in this country prior to 1860. The theory of the advocates of this bill seems to be that there is an amount of gold in circulation in this country adequate for all of its needs as the standard money of redemption, and that it is unnecessary to require that the banks shall keep and maintain any specific gold reserve to secure the redemption of their notes of issue. They further appear to harbor the thought that gold when employed merely as an instrument of exchange and alienation is dead stock, but when deposited in banks to become the basis of a paper circulation it acquires life and becomes active and productive.

Such was the theory and opinion of many of the bankers and financiers of former days in this country. We know of no better exposition of the fallacy of such a position than is contained in the following extract, taken from the treatise *A History of Banking in all Nations*:

The bank commissioners of Ohio in 1842, in the bitter retrospect of the previous five years, quoted these words in order to say: "The experience of more than half a century since this opinion was expressed has failed to convince the American people that gold and silver are to be regarded as dead stock, except when placed in banks as a basis for the issue of their paper. This idea that gold and silver acquire life, activity, and productiveness only when placed in banks as a basis for paper issues rests upon the assumption that bank notes to an indeterminate extent may be thrown into circulation and that a proportionate increase will be given to the commercial, manufacturing, and agricultural interests of the country."

Out of the same period of sackcloth and ashes, when delusions had been dispelled and things appeared in their naked truth, the governor of Ohio said:

The great error which prevails on this subject (banks of issue) has its origin in the common, vague impression that we are dependent on the bank-paper system for the supply of a sufficient quantity of the circulating medium, and that without bank paper commerce would not flourish, business would stagnate, and the country cease to advance in prosperity and improvement. This fallacy is the chief cause of that superstitious attachment to the paper system, which with some has become idolatry.

Vain indeed would be the attempt to hedge in the circulating medium of a country and pump it up to fullness by the ministry of banking institutions.

We contend that it is neither safe nor prudent to authorize national banks to issue an asset currency as provided in this bill. We further insist that this bill fails properly to protect and safeguard the interests of the public against the dangers of an asset currency. Such a system of banking depends for its success upon the wisdom and integrity of its management, and a failure in either of these respects wrecks the bank and destroys its note circulation and is calculated to produce financial panic.

Commenting upon the Scotch system of banking, Mr. Sumner says:

It requires vigilance, sagacity, science, and moderation on the part of the banks. The freer any system is, the more it requires these characteristics. The Scotch banks have succeeded because their managers have possessed these qualities. The same system on a paper basis or managed by unreasoning avarice is a short road to ruin.

The same conservatism in banking does not prevail in this country as in Scotland or England or the European countries. In this country banking is conducted upon a more liberal basis, and greater risks are assumed and more extensive financial enterprises are undertaken. And, having in view these differences of conditions and the sweeping changes and insufficiently guarded and

poorly protected provisions of the bill relative to the issue of asset currency, we fear this bill would prove a short road to ruin in times of panic and financial distress. The majority report embodies certain statistics showing the amount of deposits and note circulation in the banks of Scotland, of England, France, Germany, and various States in this country.

In our opinion the majority report fails to apprehend or express the proper conclusion to be drawn from these statistics. The true lesson to be learned is that in countries having large accumulations of wealth the bank deposits are large and their note circulation relatively small; while in countries not so conditioned, the note circulation is large and the deposits are small. In other words, the deposits represent the accumulation of wealth, while the note circulation represents the use of credit.

In support of the contention for an asset currency, reference is made to the history of the Suffolk system from 1840 to 1860. This was the period of financial ease and prosperity. Let us call to your attention a quotation from *A History of Banking in All Countries*, showing the workings of this system during the panic times from 1830 to 1840:

Between the years 1831 and 1833 a great increase took place in the number of banks in New England. During this period 90 new banks were chartered, of which 45 were located in Massachusetts. The Suffolk bank became over-loaded with redeemed bills. The banks were slow in making remittances, and the accounts of many of them were overdrawn. Accordingly, the Suffolk bank sent a circular to such of its correspondents as it allowed to overdraw, informing them that on account of the scarcity of money and in order to have some control over its own funds overdrafts must be limited to \$10,000. \* \* \* In 1834 the redemption business had increased fivefold—from \$80,000 to \$400,000 daily. \* \* \* These bills poured into the Suffolk bank for redemption, and in April, 1836, it sent out a circular letter to 44 banks whose accounts were overdrawn in the aggregate sum of \$864,000, saying that it would send their bills home.

As stated before, this bill fails to make any provision requiring the banks to keep and maintain a metallic reserve to insure the redemption of its notes. This we regard as a positive defect. It is unsound banking. It encourages and fosters a carelessness and looseness in banking which may prove very disastrous to the country. It is very unwise to authorize a system of banking having a general asset currency and wholly fail to provide for or require the maintenance of a metallic reserve sufficient to insure the redemption of the bank notes. "Redemption in coin on demand constitutes the essential soundness of a banking currency, and a bank should keep a coin reserve constantly in its vaults to pay depositors who desire coin, and to redeem its circulating notes. This proportion is sometimes reckoned at one-third of the demand liabilities, but is often permitted by law to be less, and is often required by prudent banking to be more. 'The intensity of the liability,' in the language of Mr. Bagehot, is to be considered as well as the amount, and 'the cardinal rule is that errors of excess are innocuous, but errors of defect are destructive.'" The foregoing is the language of Mr. Conant, in his treatise, *History of Modern Banks of Issue*, and is deserving of weighty consideration and serious attention in view of the failure of this bill to provide any metallic reserve.

We do not believe that the national banks of this country should be authorized to establish branch banks at such places as they may determine and issue an asset currency inadequately secured and defectively safeguarded and at the same time make the deposits of its customers security for the currency notes of the bank. No such system exists anywhere that we now recall. In the French and German system, cited by the advocates of this measure, no such preference is given. The depositors and note holders, as creditors of the bank, have equal rights.

The bill further provides for the cancellation and retirement of the United States notes known as greenbacks. It contemplates that the national banks shall assume the current redemption in gold of \$130,000,000 of greenbacks and provides that \$65,000,000 shall be redeemed and canceled by the Secretary of the Treasury out of the general gold in the Treasury.

It further provides that as soon as the national banks shall have assumed the current redemption of \$130,000,000, and the United States has redeemed and canceled \$65,000,000 of United States notes, no national bank shall thereafter pay out any United States notes, the current redemption of which has not been assumed by some national bank, but shall return the same to the United States Treasury for redemption, and the Secretary of the Treasury shall redeem the same out of the gold coin in the issue and redemption division of the Treasury, and they shall not be reissued, but shall be canceled and destroyed. And after the first presentation and cancellation of any United States note in accordance with the provisions of this law, the Secretary of the Treasury shall not pay out or issue any gold certificates. This means the early retirement of the entire issue of greenbacks except the \$130,000,000 assumed by the national banks, if the banks avail themselves of the provisions of this law, and the substitution therefor of a national bank-note issue of asset currency inadequately protected and not possessing the quality of full legal-tender money.

We oppose the retirement of the greenbacks at this time and in



the manner provided in this bill. If it should be deemed necessary to retire the greenbacks, there is a safer and better way to do so. We insist that a general asset note of a national bank issued under the provisions of this bill is not any improvement upon the paper money now in existence, and we see no good to be accomplished by retiring the greenbacks in the way contemplated in this bill.

Mr. William G. Sumner, in discussing the question of the retirement of paper issue and the substitution therefor of other paper issue, uses the following language:

If the withdrawal of the paper should be resolved upon, the best way to accomplish it is the one which is simplest and most straightforward—that is, to raise a surplus revenue and with it cancel the Government issues.

It is not consistent with the present purpose to criticize the various schemes which have been proposed. They all involve some kind of conversion of one sort of paper into another, and every such change complicates a system already far too intricate, and every such change involves chances of unforeseen events or of unexpected effects, for they consist of experiments on totally untried ground.

Some of these schemes involve no actual reduction of the outstanding paper, and can lead to nothing but expense and injury to the public credit.

We fail to see the right or to appreciate the justice of requiring the national banks to assume the redemption of the United States notes. The Government is able to care for and protect its own obligations, and if it is necessary to redeem these United States notes the Government can do so without shifting this obligation upon the banks.

We believe that the passage of this bill authorizing the establishment of branch banks throughout the United States would result in the formation of a few banks of large capital, which would establish branches at the desirable points throughout the country and suppress the local banks and thereby secure control of the banking of the country, and thereafter these banks would form a combination and have control of the finances of the country. In our opinion such would be the worst calamity that could befall our people. We can conceive of no condition which would equal in its disaster the placing of the money power of this country in the hands of a money trust. Such a condition would mean financial dictation such as was never experienced in this country. It would invite and lead to political intrigue and corruption that would hazard the perpetuity of our popular institutions and the preservation of our liberties.

The student of financial history will at once recall the intrigue and political corruption which characterized the old United States Bank in the early history of our country. The branch system of banking has established monopoly in banking in England, France, Germany, and the other countries where it prevails. In this country the great underlying principle or theory of government is that the power and authority of government is disseminated among and vested in the masses of the people. In the monarchies of the Old World a contrary principle prevails. There the sovereignty of government is withdrawn from the people and is vested in a sovereign ruler. Monopoly of banking may exist alongside of monopoly of sovereignty vested in a monarch. But monopoly of banking and monopolistic control of the money power is antagonistic to every principle of a republic and poisonous to its very existence.

Another consideration deserving of serious attention is if the parent bank fails it pulls down all of its branches in its ruin and spreads disaster throughout the country, and in many instances may prove a national calamity.

In 1878 the City of Glasgow Bank of Scotland, with its 131 branches, failed for about \$70,000,000. Speaking of this, the American Encyclopedia says:

The failure of the City of Glasgow Bank on October 2, 1878, amounted to almost a national disaster, reducing hundreds and thousands of families in the south of Scotland to beggary.

The failure of the Western Bank of Scotland in 1857 for about \$15,000,000, together with its many branches, is another illustration. Mr. Conant says:

The Scotch system of banks of issue comes nearer to the ideal of successful free banking than that of any other country.

If such failures and financial disasters are possible under such a system in such a small and conservative country as Scotland, what would be the limit of disaster and ruin in this country of mighty financial undertakings? Many other such instances might be cited, but we deem it unnecessary.

The friends of this bill deny that it will result in financial monopoly, and yet we find in the speech of the gentleman from Connecticut [Mr. HILL], delivered in the House of Representatives May 9, 1902, the following significant statement relative to the issue of bank notes:

Personally, I would have preferred to have limited the issue privilege to banks of not less than half a million capital, or, better yet, to one large bank in each redemption district, or, best of all, to one bank in New York City; but none of these propositions is politically possible to-day, and can only become so by a process of evolution, a process which we must admit to be in excellent working order just now.

No one is more intimately identified with this bill or has contributed more to its construction or better comprehends its ultimate purposes and results than Mr. HILL, and in view of his close

relationship with this bill, the above statement is pregnant of meaning when he says, speaking of the process of the evolution for securing one large bank of issue in New York City, "a process which we must admit to be in excellent working order just now."

A branch bank system is calculated to destroy local pride and paralyze local efforts and undermine that spirit of thrift, enterprise, and local endeavor which is of incalculable value to every community.

Manhood is of more value than money, and local pride and patriotism, coupled with a spirit of thrift and enterprise engaged in developing the country and fostering its industries, is more to be considered than interest rates. In our judgment the passage of this bill means the creation of an immense money trust, the establishment by law of a financial monopoly. No longer will a free banking system exist in this country. These free banks and free banking systems will disappear from this country with the same rapidity and unerring certainty that they have disappeared in England, France, Germany, and all the other countries where a branch-bank system has been inaugurated. It is impossible for the two systems to stand together, and to-day, as we debate this measure, we stand face to face with the proposition that the people of this country must choose between a free banking system or a monopoly banking system.

This assertion is no mere guesswork, nor is it a mere surmise. In France the contest between free banks and branch banks, or as it is denominated in history, between monopoly and liberty, has been waging since 1848, and has resulted in the complete destruction of free banks and the establishment of monopoly banking. For years this same warfare was waged in Germany and in England with the same results—the death of the free-bank system and the establishment of monopoly banking. Between these two systems there can be no affiliation and no harmony, and the testimony of history is that a branch-bank system means the death of a free-bank system and the establishment of monopoly banking. In all of these countries the local independent banks have steadily disappeared and been absorbed by the large central bank until to-day the Bank of England controls and dictates the finances of England and enjoys a practical monopoly of issuing currency. In France the Bank of France enjoys the monopoly of note issue and controls the finances of the country.

The Imperial Bank of Germany was organized in 1876, and under the law was allowed to establish branches. Since that time the decadence of the independent banks has steadily continued, and at the beginning of 1896 there remained only six banks of issue in the Empire. We have not at hand the later statistics and are not prepared to state how many banks of issue of these six still remain. A like system of monopoly banking exists in Canada, and we have it upon reliable information that the rate of interest is higher under the branch system than it is under the independent banking system across the line in this country.

The advocates of this measure claim for it that it will reduce and equalize the rate of interest throughout the country. They seem to forget that interest rates are determined largely by local conditions and the character of the security offered. They seem to forget that the conditions of the world's money market exercise controlling influences upon the interest rates, and that the rates of interest vary at different times and in different localities, as the prices of commodities. Speaking upon this question, Mr. Conant says:

The folly of attempting to maintain a uniform rate of interest or discount is on a par with maintaining a uniform price of wheat. Money is governed by exactly the same laws as commodities.

Money and capital are regulated by the laws of supply and demand. Under a free banking system it is difficult, if not impossible, to "corner" the money of the country, but under a branch banking system the parent bank dictates and controls the financial conditions, and it can increase or diminish the money supply as it may suit the purposes of the managers. This country is not without both observation and experience as to the practical workings of monopoly. We know that the glass trust raised the price of glass, the nail trust raised the price of nails, the steel trust raised the price of iron products, the sugar trust raises the price of sugar, the Standard Oil trust fixes the price of oil at such figure as may be necessary to yield its predetermined dividends. Why should the credulity of the American people be taxed to believe that a money trust, a banking trust, having a monopoly of the banking and currency of this country, would not be actuated by the same motives and pursue the same selfish purposes as these others have done? None of them having the power or the opportunity have refused to avail themselves of every occasion to suppress competition and to secure every advantage.

Mr. Chairman, I can not refrain from again asserting that it would be a most hazardous experiment and a most dangerous piece of legislation to surrender the money power of this country into the control of any monopoly. I am unable to conceive or properly and adequately to express the evil consequences and the

direful results which would result from such a policy. Again would I call attention to the potent influences which would be exercised in the politics of this country by such an institution, and the opportunities of intrigue, fraud, and corruption which such a condition would offer are fearful to contemplate, when we bear in mind the spirit of corporate aggregation and aggrandizement abroad in the land, and the purposes manifested to subordinate all interests to these ends, so that the few may control the wealth and exercise power and influence over the many.

The bill further provides that the board of control shall have power to charter clearing houses with such charter powers and authority as the board of control may authorize and approve, and it further provides that the Government shall cease to issue gold certificates, and these clearing houses shall have the exclusive right to issue gold certificates. We deem it unwise that the Government should surrender this power to private corporations. It is another evidence which makes manifest the ease and facility of the organization of a money trust, and the completeness thereof when organized. Only to a limited extent does gold enter into active circulation. It is represented in trade and commerce by the gold certificate, and when the Government yields to these clearing houses the sole power and privilege of issuing gold certificates it clothes them with the authority and the opportunity to control and manipulate the circulation of gold in the country, and to increase or diminish the amount of gold in active circulation, as it may suit their purposes. This we regard as a dangerous innovation into the finances of this country. The Government should sacredly cherish and preserve unto itself every right and privilege and facility which relates to the coin issues of the country or which affect their circulation, and should never surrender to any private institution any portion of such rights and privileges, nor yield to them an opportunity to manipulate or limit their circulation.

The bill makes provision for the redemption, by the Secretary of the Treasury, of the standard silver dollars in gold. This we regard as a radical departure from all precedent and theory of finance, and wholly unnecessary, and not responsive to the sentiment of the country or demanded by its business interests. As far as we are informed or have been able to ascertain no other country in the world resorts to such a practice. Its friends contend that it will strengthen the existing gold standard. Of this we have grave doubts. It is our opinion that it will weaken the gold standard and place upon it unnecessary weight and burden. It will be recalled that under previous sections of the bill 150,000,000 of gold from the redemption division and 65,000,000 from the general fund in the Treasury have been consumed in the redemption of the greenbacks, and under the operation of that portion of the act relating to clearing houses the gold is diverted from the Treasury into the clearing houses, and there will only remain in the Treasury an amount of gold equal to 5 per cent of the outstanding circulation of silver.

Heretofore it has been insisted that it was necessary to maintain in the Treasury, for the redemption of the greenbacks, \$100,000,000 of gold, which is nearly 30 per cent of the outstanding greenbacks, and since the act of March 14, 1900, it has been required to keep in the Treasury, for the redemption of greenbacks and Treasury notes, \$150,000,000 of gold, which is about 40 per cent.

This bill proposes to maintain a redemption fund of 5 per cent to redeem the silver. If the 5 per cent guaranty fund is sufficient it demonstrates that silver does not require redemption in gold. If silver requires redemption in gold, then 5 per cent is an insufficient guaranty fund, and the bill is faulty and liable to produce financial disturbances.

France maintains a large circulation of legal-tender silver alongside of gold; the silver is not convertible into gold, yet there is no difficulty in maintaining her silver circulation on a parity with gold.

In speaking of this Lord Farrer says:

The notes of the Bank of France are convertible into gold or silver at the option of the bank. \* \* \* There is no difficulty in maintaining either the silver or the notes at their gold value.

From the recent edition of Mr. David K. Watson's History of American Coinage we make the following quotation:

The following are the gold-standard countries, with the amount of gold and silver in circulation in each:

The United Kingdom, including England, Ireland, and Scotland, has \$550,000,000 of gold, with \$112,000,000 of silver.  
 France, \$825,000,000 of gold, with \$494,000,000 of silver.  
 Germany, \$825,000,000 of gold, with \$215,000,000 of silver.  
 Belgium, \$55,000,000 of gold, with same amount of silver.  
 Italy, \$96,000,000 of gold and \$30,000,000 of silver.  
 Switzerland, \$15,000,000 of each.  
 Russia, \$455,000,000 of gold and \$48,000,000 of silver.  
 Turkey, \$50,000,000 of gold and \$40,000,000 of silver.  
 Japan, \$88,000,000 of silver and \$80,000,000 of gold.

In all of the above-named countries the gold standard is maintained and no difficulty is experienced in maintaining the silver

circulation on a parity with gold, and in none of said countries is the silver currency legally convertible into gold, nor is there any legislation requiring the Government upon demand to redeem the silver in gold.

In the United States the amount of gold in circulation, including bullion in the Treasury, is about \$1,183,000,000, and the amount of silver, including bullion in the Treasury, is about \$537,000,000.

It will be seen that the relative amount of gold and silver in circulation in the United States is not out of proportion to that in circulation in the other countries, and there will be no difficulty in maintaining our silver circulation at a parity with gold. There is not now any demand upon the Treasury for the redemption of the silver in gold, and we deem it unwise for the majority to produce this agitation and precipitate upon the country this discussion, the tendency of which will be to produce a needless agitation of the money question and unsettle finances.

What this country needs at this time is quiet and rest and stability on financial questions and a cessation of financial disturbances.

The passage of this bill will place upon the Treasury the burden of current redemption in gold of more than \$530,000,000 of silver, while it takes all of the gold out of the Treasury except a minimum of 5 per cent of the outstanding silver maintained as a guaranty fund. Instead of accomplishing the purposes of its advocates and taking the Treasury out of the banking business, it places upon the Treasury much larger banking duties and responsibilities. Instead of destroying the endless chain for depriving the Treasury of gold, it creates additional facilities for reaching the gold in the Treasury. The gold in the banks can be obtained by presenting for redemption the bank notes and the United States notes, which the banks have assumed to redeem in gold.

The gold in the Treasury can be reached by presenting silver for redemption. By these means this bill will prove a burden upon the Treasury instead of a support and relief. The facilities for acquiring gold for export are multiplied, and the Government would be powerless to protect it.

Mr. Chairman, the patriotism I bear to my country, the esteem I cherish for her institutions, the honor and the respect I have for my Government, and the affection and love I feel for my people impel me to hope that the evils of this legislation shall not be inflicted upon them.

Mr. BALL of Texas. Mr. Chairman, I move, pro forma, to strike out the last word. We are now legislating to protect this country from undesirable immigration. It may not be out of place to call attention to a recent occurrence which is certainly an imposition upon the House of Representatives, from which we should in the future be protected.

It will be remembered that some time since Congress voted an appropriation for the expenditure of certain moneys, incident to the reception of the statue of Rochambeau. For the ceremonies upon last Saturday, for the members of this House seats were provided by the committee having the matter in charge, that committee being presided over, I think, by the gentleman from Minnesota [Mr. McCLEARY]; and we were advised by that gentleman in person, and also, as I remember, in making his report on the committee's action, that there were no reserved seats; that members of the House would be provided with two seats each; and it was so announced in the papers.

Upon arriving at the platform assigned for Representatives, their families, and friends to witness the ceremonies incident to that occasion, members of the House found that a certain number of the seats nearest the statue of Rochambeau and nearest the stand occupied by the President, the diplomatic corps, and others were in charge of an employee of the House; and members who were there with their families, having as much right as the gentleman from Minnesota or any other gentleman who is a member of this honorable body to entrance there—members who had gone early in order to obtain seats—found these most desirable seats unoccupied, and when they attempted to appropriate them they were advised by the employee of the House that they were reserved. I was unable to ascertain at the time from him, as were other members, just who were the fortunate beneficiaries of the action of the gentleman who had the matter in charge on behalf of the House of Representatives. To-day he informs me that it was by direction of the chairman of the Library Committee, the gentleman from Minnesota [Mr. McCLEARY], and the Third Assistant Secretary of State, and upon approaching the gentleman from Minnesota he tells me that he assumes responsibility for that action.

Now, in the name of by far the major part of the membership of this House that has no desire to make exceptions in behalf of any member—that does not recognize that any members of the House are entitled to greater recognition in the distribution of the courtesies and favors which belong to this body than any other member—I desire to denounce in the most unqualified and positive manner the action of the members having this matter in charge



as a gross and flagrant indignity to the members of this House. So far as I am personally concerned, it makes very little difference to me, because, having gone very early, in order that I might secure a seat, I had personally a very fair seat upon that occasion.

But we have had a good deal of talk about flunkysim and favoritism and about sending our "emissaries" abroad to attend the coronation of a king and about our receiving statues here made in the image of an emperor, and I think we might have a little reform at home and at least express, on behalf of this House, our positive, unqualified disapprobation and disapproval of the action of the committee of arrangements on this occasion, who have attempted to favor certain members of this House upon the assumption that they are more worthy of consideration than the rest of the membership. I pronounce the action I complain of a gross indignity upon the members of the House thus discriminated against. It was indefensible and in violation of assurances given the House and its members personally. It was very reprehensible and ought to be severely condemned.

Mr. SUTHERLAND. For whom were those seats reserved?

Mr. BALL of Texas. They were reserved for certain members of the House and their friends. I do not care to call any names. I make the statement and it will not be denied.

The Clerk read as follows:

Sec. 18. That it shall be the duty of the officers and agents of any vessel bringing an alien or aliens to any port of the United States to adopt due precautions to prevent the landing of any alien from such vessel at any time or place other than that designated by the immigration officers at the port of arrival, and any such officer, agent, or person in charge of such vessel who shall either knowingly or negligently land or permit to land any alien at any time or place other than that designated by the immigration officers at the port of arrival, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than \$100 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Mr. CLARK. Mr. Chairman, I move to amend section 18, in lines 18 and 19, by striking out the words "knowingly or negligently." Now, the difference in the situation that the striking out of those few words would make is this: Under the section as it is drawn it throws on the Government the burden of proving that the officer, agent, etc., of the steamship company either knew of these things or neglected to do them. If you strike out the words it throws the burden on the steamship company instead of on the Government. That is the whole tale in a nutshell.

Mr. RUCKER. Mr. Chairman, I would ask the gentleman what are the words that he wants stricken out?

Mr. CLARK. In lines 18 and 19 strike out the words "knowingly or negligently."

Mr. RUCKER. Would that read the way the gentleman wants it?

Mr. CLARK. Yes, "who shall either land or permit to land," etc.

Mr. RUCKER. My idea was that the gentleman would want to incorporate in his motion the word "either."

Mr. CLARK. Yes; strike out the word "either" also; so that my motion is to amend by striking out, in lines 18 and 19, the words "either knowingly or negligently."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. PALMER. Mr. Chairman, I would ask the gentleman if he would convict a man and put him in jail or submit him to a fine for doing a thing not knowingly or negligently?

Mr. CLARK. No; I would not do anything of the sort, but the difficulty is here that they know it, and there is no question about it. I will say that the steamship company does know and it is no hardship on it at all.

Mr. PALMER. I never would convict a man of a crime unless he knew he was committing it.

Mr. CLARK. Neither would I.

Mr. PALMER. Under the law of the United States there are certain crimes which a man can commit without knowing the fact.

Mr. CLARK. I never heard of one.

Mr. PALMER. I can tell the gentleman of one. Under the revenue laws it used to be the law that if a man had in his possession an empty barrel with a paid tax stamp upon it which was not canceled he was liable to be put into the penitentiary.

Mr. CLARK. I know, but every man is supposed to know the laws of his own country.

Mr. PALMER. Would the gentleman convict a man for violating a law that he did not know, or for committing a criminal act without knowing it? Can a man commit a crime without knowing it?

Mr. CLARK. The gentleman just cited a case where he could. [Laughter.]

Mr. PALMER. I am opposed to that kind of law.

Mr. CLARK. I did not think he could until the gentleman told me of that case.

Mr. PALMER. If the amendment offered by the gentleman passed, then he would put these people in the same category.

Mr. CLARK. All the difference is this, if the amendment is adopted it makes the steamship companies attend to their business, and if you do not adopt it they will always plead ignorance and that they did not know. They are up to their business, and there is no doubt about that.

Mr. SHATTUC. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio is recognized in opposition to the amendment.

Mr. SHATTUC. That very identical language has been in the law, if I remember correctly, for eighteen years.

Mr. CLARK. May I interrupt the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. SHATTUC. Certainly.

Mr. CLARK. The gentleman has gotten up a codification here. It is no argument in favor of a law that it has been the law. If the gentleman has simply brought the old laws here to codify them and has not made any changes in them, or if the committee had not, then the argument would be good, but the gentleman is estopped by his own action.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. CLARK. Certainly.

Mr. SHATTUC. If the gentleman were a business man, as I am—

Mr. CLARK. I am.

Mr. SHATTUC. And not a lawyer, and there was a law like this which we had been working under for eighteen years, and there never had been any trouble at all about it, I would ask the gentleman whether he would rather have that law remain as it is for the future or take the advice of an attorney who had looked at it for, perhaps, ten minutes, and suggested a new law.

Mr. CLARK. I would state to the gentleman that if I had the power I would write a new law.

Mr. SHATTUC. Undoubtedly; but that can not be done while I have the floor. Therefore, Mr. Chairman, I oppose this amendment simply on the ground that the steamship companies are entitled to certain protection. It would not be fair to fine them if they brought a passenger over here in violation of the law, when they did not know anything about it at all. I think the amendment is out of place, and I think the law is a proper one simply because there has been no trouble in enforcing it, and there would have been some trouble if it had been a bad law.

Mr. COCHRAN. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. SHATTUC. Yes.

Mr. COCHRAN. The gentleman says this law has been in force for a good while, and that no trouble has been experienced.

Mr. SHATTUC. If I remember correctly, that is so.

Mr. COCHRAN. And the gentleman thinks this amendment might get the steamship companies into trouble.

Mr. SHATTUC. That is the way it looks to me.

Mr. COCHRAN. Is it not the object of the immigration laws to give them trouble every time they seek to introduce into the country emigrants prohibited by the statute?

Mr. SHATTUC. No; it is the object of the Government to be fair and manly with everybody.

Mr. COCHRAN. The gentleman thinks being fair would be not to give them any trouble if they happened to bring in a few who were prohibited by this statute?

Mr. SHATTUC. We are not here for the purpose of punishing the steamship companies. We want to do what is right by the steamship companies and by the United States as well.

Mr. COCHRAN. And you do not want them to have any trouble with this immigration law?

Mr. SHATTUC. We do not want to treat them unjustly under this immigration law.

Mr. COCHRAN. And you think it would be unjust to give them any trouble under this law?

Mr. SHATTUC. Oh, that is trifling. That is a question that I do not feel called upon to answer.

Mr. CLARK. If the chairman of the committee and the committee will adopt the amendment that I want adopted, in section 13, it would relieve the situation of all difficulty.

Mr. SHATTUC. Well, if there is any gentleman in this House who could come to us and ask us to do that, and succeed in persuading us against our will, it is Mr. CHAMP CLARK, of Missouri; and it is with great reluctance that I am forced to say we can not do it for him.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question being taken, on a division demanded by Mr. SHATTUC, there were—ayes 45, noes 38.

Mr. SHATTUC. Tellers.

Tellers were refused, 13 members, not a sufficient number, rising in support of the demand therefor.

Accordingly the amendment was agreed to.  
The Clerk read as follows:

SEC. 19. That all aliens belonging to any one of the excluded classes mentioned in section 2 of this act shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not less than \$300 for each and every such offense; and any such vessel shall not have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien or aliens found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien or aliens is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections 4 and 5 of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section 17 of this act to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

The committee amendment was read, as follows:

On page 14, lines 19 and 20, after the word "immigration," insert the words "under the direction or."

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

In lines 1 and 2, page 14, strike out the words "belonging to any one of the excluded classes mentioned in section 2 of this act" and insert "brought into this country in violation of law."

Mr. PERKINS. Mr. Chairman, the provision of the law, as it now is, is not consistent with the amendment that has been adopted. This provides that those who are brought in in violation of section 2, which contains the list of those who are sick and otherwise unfit, shall be returned. Since that the committee have adopted section 3, which provides that persons who are unable to pass an educational test shall not be allowed to enter. The law, therefore, should be changed, and should provide that all those who are brought into this country in violation of law should be returned. I think the chairman will agree with me that there is no reason why persons who are illegally brought in under one section should be returned and those illegally brought in under another section should not be returned. This is merely to correct the law to correspond with the changes the committee have already made in the law.

Mr. SHATTUC. The committee will accept that amendment. The amendment was agreed to.

Mr. LATIMER. Mr. Chairman, we have heard a great deal of the imperialistic policy of the Republican party in annexing foreign territory without the consent of the inhabitants and in providing government therefor against and in absolute derogation of the Constitution. We have seen the gradual but sure tendency toward stronger centralization of power in every department of the Federal Government, the rights of the States becoming less and less recognized and secure and the central Government becoming more and more grasping and powerful.

To those of us who still regard as sacred the individual rights of the citizen, the reserved rights of the States, and the limitations upon the delegated powers of the General Government this departure, this changed condition, is fraught with the gravest danger. In the open and almost boastful disregard of the Constitution, which is the supreme will of the people, we see the final overthrow of our whole system, depending as it was intended it should upon the fundamental principle that all governments derive their just powers from the consent of the governed.

No policy of trade or territorial aggrandizement can repay the fearful cost of such a result. The specious pretenses of becoming a "world power" or of securing commercial supremacy, are but the fraud and deceit designed to filch from us our birthright of individual liberty and civic virtue.

The bill entitled "A bill for the promotion of commerce," but more generally and properly known as the Hanna-Payne ship-subsidy bill, presents to us the latest effort of the Republican party in its policy of imperialism, subjugation, and plunder. In the provisions of this bill is found the germ of a commercial imperialism which, if nurtured by the approval of the Congress of the United States, will have its flower and fruit in the slavery of all industry and enterprise to a well-selected and highly favored few.

The gigantic growth of trusts and monopolies in this country is, in my judgment, more dangerous, if possible, than any political

policy of the Government, which, if not checked and restrained, will result in the complete control not only of the political rights of the people, but of their industrial and commercial liberty as well. It was but recently that a combination of all the large railroad interests was effected by which five companies, composed largely of the same persons, propose to divide the United States among themselves, each controlling a division, and all working for a common purpose, that purpose being the entire control of railroad business of the country and the stifling of all competition. We have about 185,000 miles of railroad, and of this all but 70,000 miles is under the control of this syndicate.

All the important roads are in the combination, the rest being for the most part secondary and remote from the great routes of travel and traffic. Five men representing these five companies can dictate rates for every bit of transportation which crosses the line of two States, as most of our traffic does. The direct outgrowth of this railroad combination is Mr. Pierpont Morgan's combination of the leading steamship lines into a union to control the carrying trade of the oceans. All traffic must be a matter of joint railroad and steamship control, and the steamship trust is an adjunct to the railroad trust. As the representatives of the steamship trust say, "the trust is meant to safeguard our other interests," referring undoubtedly to the railroad trust. There will be no competition for freight between the steamships and the railroads. They will work together, and the two interests are to have a unified head.

The effect of the combination is obvious. Freight rates and markets being the important factors in the prosperity of a country, the people will be at the mercy of this combine, being compelled to pay arbitrary rates for the transportation of their products and to send them to whatever markets are chosen for them. In this manner the toil of the masses of the people is to be fettered and enslaved for the benefit of a few plutocrats who already roll in millions wrung from the people by commercial monopoly, aided by unjust class legislation.

This bill is directly in the interest of these two combinations, proposing by its terms to present them with thousands of dollars annually for an indefinite length of time. There is no pretense that any return is going to be made for this money. It is simply a bounty.

I am opposed to this bill and all legislation of this character, upon the broad ground that it is vicious in principle. To legislate large sums of money out of the Treasury and into the pockets of certain people, without any consideration whatever, is the most abhorrent form of paternalism and special favor. This vast expenditure of public money must be raised by force of law from the people—the masses will be taxed in order to enrich the few. To demand money from the people for such a purpose is abusive of every principle of human justice, and is not taxation, but highway robbery and spoliation under the guise of law. No policy of expediency or even necessity can justify or excuse such abuse of legislative authority.

The golden rule of legislative action is found in that fundamental tenet of Democratic faith, "Equal rights to all; special privileges to none"—the protection of all men in the enjoyment of life, liberty, and the fruits of their labor, and such legislation that no one shall enjoy greater benefit from it or be subjected to heavier burdens under it than another. When we have accomplished this we have done all that can be done, and the people, left to appropriate the blessings of the Almighty, will fail or succeed in the proportion that they embrace or neglect opportunity.

I would be content to rest my objections to this measure upon these broad, general principles but for the fact that attempts have been made to make support of this bill a patriotic duty, which we as Americans owe to our love for and pride in our country. We are told that we must rouse ourselves as a nation and no longer be humiliated by the fact that 90 per cent of our foreign commerce is carried on by foreign ships. This condition can not be overcome, we are told, unless the United States Government will give to our shipowners a large subsidy in order to enable them to compete with foreign nations for the carrying trade of the world. Three reasons are given as to why this subsidy is necessary, and I propose to examine them briefly in order to demonstrate how groundless they are upon a fair statement of the facts.

In the first place they tell us it costs more to build ships in the United States than it does abroad, and that therefore it is impossible to carry on a successful shipbuilding industry in this country unless the industry is subsidized.

This proposition contains a misstatement of the facts with regard to the shipping industry, and the complete and convincing answer to it lies in stating the facts correctly. Shipbuilding in the United States is to-day among the most prosperous of our industries. Every yard from Maine to California is working full time and to the utmost of its capacity, with orders ahead for from one to five years. There is invested in this industry



\$68,000,000, employing 46,000 men, with contracts on hand aggregating \$114,000,000, or nearly 200 per cent of the capital invested.

In October, 1901, the Chicago Tribune, one of the leading Republican papers, sent representatives to all the shipyards of the country to investigate this reported depression in the shipbuilding industry, with the result that every yard was reported to be working overtime, with orders ahead. The Newport News yard was reported to have 145,100 tons under construction, to cost \$28,350,000. This yard has \$14,000,000 invested, and employs 7,000 men. I give this instance as a fair sample of the condition all over the country. The Commissioner of Navigation, one of the strongest advocates of this bill, having undergone a change of heart on the subject when the Administration changed, says in his official report:

The last three years have been prosperous years in shipbuilding. The last fiscal year was the most profitable of those three. The present fiscal year is more prosperous in its outlook than last year, so that it will be more prosperous in shipbuilding than any of the four years past, including the current fiscal year.

Here we have the official statement of the Commissioner of Navigation, who has the best opportunity for knowledge on this subject, and who, despite his desire to see this bill pass, can not hide the facts. Can we imagine less need of subsidy to stimulate an industry than is shown by these facts? What has become of the terrible depression and threatened collapse of the industry? No such condition ever existed. It is another Republican ruse to give color to hypocrisy, and instead of collapse and depression we have abundant evidence of a healthy condition and a steady growth, and a bright outlook for shipbuilding in the United States.

In the light of this business prosperity in the building of ships in the United States we are told that it costs more to build them here than abroad.

Now, let us examine that proposition closely and see what the facts are. It can not be denied that we produce the raw materials that go into the construction of a ship cheaper than any other nation on earth, in the face of the fact that we are selling those very materials in the markets of the world, and they are being bought by foreign shipbuilders for use in the construction of ships. Pig iron, which is the primary raw material of steel, and therefore of ships, is produced in larger quantities in the United States and at less cost than elsewhere in the world. We produced in 1900 14,000,000 tons of pig iron, at a cost of about \$6.50 per ton, as against about half that amount produced in Great Britain, at a cost of about \$9 per ton, that country being our only serious competitor in the production of iron. These facts explain why our steel plates and all grades of structural steel cross the ocean to find a market. And the same condition of affairs is plainly evident to anyone who seeks to know the truth as to all classes of materials that go into the building of a ship, but I can not take time to do more than point out the main items.

But conceding, for the purpose of this argument, that we can not produce the materials necessary for the building of ships as cheaply as other countries, it does not follow that our shipyards must stop business. Under present law all shipbuilding materials are admitted free of duty, thereby enabling our shipbuilders to go into the markets of the world and buy materials where they are cheapest and at the same price that shipbuilders of other countries secure them. So we see it is not the materials that form the expensive item of cost which, as our friends say, is going to compel our shipyards to go to the wall unless we help them.

The entire cost of a ship is embraced under two heads—materials and labor. I have shown that materials are not the cause of the alleged excessive cost of American ships. We are told, however, that American labor is more expensive, and that we have to pay higher wages for the same class of work. This question of the price of labor runs like a thread through all the arguments in favor of this bill, and the Republicans are constantly claiming that this bill is in the interest of American labor. They tell us that the cost of the labor in producing the raw materials, in fashioning it for the ships, and in operating the ships is greater in the United States than elsewhere, and that if this subsidy is granted a large part of it will come back into the hands of the American laborer.

But, like other Republican promises, it is Dead Sea fruit, which turns to ashes on the lip. Labor has had experience in voting for Republican policies on the strength of promises that the millions legislated into the hands of special classes would ultimately come to them.

American labor is intelligent, skillful, industrious, and honest. It demands and receives compensation in proportion to the work done. The American laborer is an exemplification of the well-known business maxim, "The best is the cheapest," for although he receives about 20 per cent more money for his work than any

other laborer on earth, yet he turns out from 30 to 50 per cent more work.

Mr. Mulhall, the famous statistician, gives us in one of his recent books the gross earnings per capita of labor, and he shows that in England they are 20 per cent less than in the United States, although about 33 per cent greater there than in some European countries. He tells us that the rate of wages is no criterion of the relative value either to employer or laborer, that food is cheaper in the United States, that the laborer here spends one-sixth of his wages for food, whereas in England he spends one-fourth for that purpose. The total average value of a year's production in the United States is about \$6,998 to each laborer as against \$4,106.70 in Great Britain and \$2,946 in Germany. The average wages in all industries per year in the United States is about \$349.92 as against \$204.12 in Great Britain and \$155.52 in Germany. The difference between the wages paid and the production of the average laborer in the United States is about \$1,535.76 as against \$588.06 in Great Britain and \$388.80 in Germany.

It will thus be seen that while the American laborer receives higher wages than the laborer of foreign countries, the output from his labor more than doubles that of the English and trebles that of the German laborer. Well-paid, well-clothed, well-fed, intelligent labor is the cheapest in the end. That is a fact which every man of business has demonstrated, and it applies more particularly to the classes of work in which skilled labor is required. But another fact which makes our labor so much more profitable than any other is the use of economical machinery, which can not be found abroad. The use of pneumatic boring, hammering, and riveting machines in the shipyards of the United States, together with other improved, labor-saving machinery, helps materially in enabling our shipbuilders to compete for the shipbuilding of the world.

The New York Journal of Commerce says:

Undoubtedly any difference in wages is more than made up in the value of the labor. That the American builder can compete needs no proof to one conversant with the facts.

It would be a waste of time to multiply the evidence of a proposition so plain that it must be apparent to any man who thinks at all.

So we find that materials are cheaper in the United States and that our laborer earns for his employer all and more than he receives in wages in excess of that of the laborers of other countries; and this being true, we can compete successfully with Great Britain—the only country we need fear—in the building of ships of every character. Hear what Mr. Cramp himself says:

For the Russian war ships we are building we competed with Germany and France. We have also built ships for the Japanese Government, and our bids were lower by 20 per cent than those of Mr. Armstrong, the English builder.

Again he says:

It is a fact that the first cost of ships is not only not a prime factor, but it is not even a serious factor in any competition that may occur between this country and Great Britain for a share of the traffic of the ocean.

Senator FRYE, who had charge of the bill in the Senate, stated that the cost of labor was the only reason why the American shipbuilder could not compete for the carrying trade. Driven to the extremity, the friends of this measure have had to abandon position after position, and now, in the light of these facts, who will say that labor has not advanced our shipbuilding industry more than anything else which has contributed to its success? Driven from this last intrenchment, there is nothing left for the plunderers to do but to admit their guilty intent and abandon a measure which so plainly bears the mark of greed and avarice.

Again, it is said that the American merchant marine can not compete for the carrying trade because the cost of operation is so much greater for our ships than those of foreign countries.

In comparing the cost of operation of steamships we have to take into consideration four items—coal, oil, provisions, and wages. These comparisons should be made with English ships because they carry the largest per cent of the trade and are our only dangerous competitors.

Now, as to coal, oil, and provisions, I understand it to be conceded that they do not constitute the excessive cost of operation, for the reason that they can be bought where they are cheapest and on equal terms with all other ships. It is the wages paid American seamen that the advocates of this bill claim necessitates the granting of this subsidy. Again, we have the question of the value and cost of labor presented. I have already demonstrated the well-known superiority of American labor, and shown by the highest authority and by the common experience of all business men that the additional cost of American labor is more than made up to the employer by the amount of output of the laborer.

These facts apply as well to the manning of a ship as they do to digging the coal and iron out of the ground or putting them into a ship, and I would rest my answer to this proposition upon those facts, except that a great show has been made by the Republican

party that this bill is in the interest of labor. They would have us believe that when we vote against this bill we are striking a blow at labor. Here, again, we detect the cloven foot of Republican hypocrisy. They know that under the provisions of this bill that American seamen are not required to be employed except to the extent of 25 per cent of the crew. When an amendment was introduced in the Senate providing for the employment of American seamen only, it was promptly voted down by the majority, and again, when an amendment was offered to the Chinese-exclusion bill providing that no Chinese should be employed as seamen on the ships of the American Navy or ships enjoying the privilege of American registry, it was also defeated. And yet the advocates of this bill claim that it is in the interest of American seamen!

But let us examine the facts and see whether the difference in the compensation of the officers and crews of American and English ships is such as to necessitate this subsidy. For the purposes of comparison I will take the American liner *St. Paul* and compare with the British liner *Campania*, which is almost a twin ship. The total amount of money paid to the officers of the *St. Paul* is \$1,010, as against \$995 to the officers of the *Campania*. This shows an immaterial difference of \$15 in favor of the *Campania*. The wages of the crew of the *St. Paul* amount to \$200, as against \$216 for the *Campania*. Here we find no material difference. But when we come to the engine room we find the first material difference in favor of the British ship.

The *St. Paul* pays her engine-room men a total of \$4,300, as against \$3,000 paid by the *Campania*, giving a balance in favor of the *Campania* of \$1,300. This illustration is a fair sample of my investigation into this subject, and will be found to represent, approximately, the difference of the wages on American and British ships in proportion to their size and the men they carry. Now, this would make a difference of \$15,900 a year that the American ship pays her crew in excess of that paid by the British ship. To equalize this difference, which the advocates of this measure say is the terrible drawback to American shipping, the *St. Paul*, under the provisions of this bill, would receive a yearly subsidy of at least \$40,000, instead of the actual difference of \$15,000.

On this question of wages I will quote from the Commissioner of Navigation in his annual report of 1894:

So far as able seamen are concerned, the actual competition to-day in trans-Atlantic and trans-Pacific trade is between American ships and British ships, and a comparison of the wages paid on these two different classes of vessels will show only slight disparity in wages. Any comparison of monthly wages, therefore, unless accompanied by a full statement of all the conditions under which wages are paid and of the results attained, will be misleading.

The Coast Seaman's Journal says:

Wages are equal on vessels of all nationalities when crews are obtained in any given port. In other words, it is the rule of the port, and not the flag of the ship, that governs wages.

And again, Mr. Chamberlain says:

The difference between American and foreign rates of wages can be, and the fact is it is, overcome by employing crews in foreign ports for the round trip.

Thus we see that there is no such difference in the wages paid American crews as would warrant this legislation. That difference only exists at all when the crews are obtained in a port of the United States, and we have the authority of the Commissioner of Navigation to the effect that all wages can be and are equalized by employing the crews at a foreign port for the round trip. It is not to be supposed that the owners of American ships will, even if this subsidy is granted, man their ships entirely with American seamen when they are only required to employ 25 per cent. The result will be that they will pocket the bounty and proceed to hire crews wherever they find them cheapest. Here we have the evidence of another bunco game at the expense of labor.

The third and last proposition upon which this bill is advocated by its friends is that American ships can not compete for the carrying trade of the world because the ships of other nations are subsidized.

More than 50 per cent of the entire commerce of the seas is carried on by English ships. They are the masters of the ocean, and other countries at present scramble for what is left. In considering this question, therefore, it is important to investigate the policy of the British Government toward its merchant marine for the purpose of seeing whether or not this mastery was obtained and is supported by subsidy.

Great Britain has never paid a subsidy to her merchant marine. She does pay, and has paid for years, about \$4,000,000 annually for carrying her mails across the seas, but this can not be called a subsidy in any sense, being pay for actual service rendered, and the deficit between this amount and the amount of foreign postage, perhaps \$2,000,000 annually, is a charge upon the colonial governments, and can not be said to be in the interests of British shipbuilders. Legitimate pay for actual service in the transportation of mail is not subsidy, and the word in

that connection is a misnomer. But to give a clear idea of the British policy, I quote from the late consul-general of the United States at London, Mr. William Osborne. In a recent report he says:

The Government of this country does not pursue any particular policy for the purpose of promoting its merchant marine. Subventions are paid for the use of certain vessels as armed cruisers in case of war and for the carriage of mail.

The subventions referred to amount to about \$300,000 annually. This, with the four millions paid for carrying the mail is all that Great Britain does for her vast shipping.

The vice-consul at London states:

The Government does nothing to promote the merchant marine in the way of subsidizing it or the builders who construct it. Payments aggregating some \$243,000 per annum are made to four companies for the call of certain steamers as armed cruisers in case of war. The mail pay for the current year amounts to \$3,815,100, toward which the colonies and India contribute \$850,500. This is exclusive of South Africa.

Thus we see that there is no subsidy paid by Great Britain to her ships that dominate the carrying trade of the world. That enormous trade is carried on by English iron tramp ships which do not receive one cent of the mail or subvention pay, but which are found in every port, in every ocean, competing with each other, and which furnish us the cheapest transportation we can get. England has her fast ships for mail purposes and as auxiliaries in time of war, but they do a small per cent of the vast business of which English ships are the carriers.

The example of France is often cited as an illustration of the policy of governments in subsidizing ships. The example is unfortunate for the friends of this bill, as it is but a confirmation of our own ineffectual attempt to build up the merchant marine by governmental bounty. France pays at present about \$9,000,000 annually as a subsidy to her shipping interests, but, notwithstanding this, her shipping refuses to increase in any proportional measure. Her merchant marine is now about 1,000,000 tons, which is less than the United States has to show, and her shipbuilding activity is far behind our own. In the year 1901 France added 53,000 tons to her steam merchant marine, and the United States added 215,000 tons.

Mr. Thackara, our consul at Havre, says in a recent report:

It has been shown that the support given to the steam fleet of France, by means of the bounty granted by the law of 1893, has not developed that branch of the merchant navy to the extent hoped for by the projectors of the law.

So it appears that the experience of France has been anything but satisfactory.

The same unsuccessful story is the history of Italian attempts to subsidize their ships. After spending about \$6,000,000 it was given up as a failure. The Germans have their ships built abroad wherever they are cheapest, and the extent of help that their ships receive comes in the way of pay for carrying mail and subventions in case of war. I might cite example after example, and pile evidence upon evidence, but with the facts given it is plainly to be seen that the trouble with our merchant marine is not the subsidies of other countries.

This brief examination of the reasons put forth for the passage of the bill leaves them without force, and shows that they are but the subtle subterfuges relied upon by those who desire this legislation to give it plausibility and excuse. But there is no escape from the fact that this bill carries pure, naked subsidy. There is no pretense that it is paid for anything except upon the speculative idea that it would induce the building of new ships, and it has been clearly demonstrated that if it is paid for that purpose it will be nothing but a gratuity to a few shipbuilding concerns in this country.

The question will be asked, very naturally: If we can build ships as cheaply and operate them as cheaply and do not have to compete with subsidized ships, why is it that our merchant marine has declined and that England carries the large part of our foreign commerce and we only carry about 10 per cent? The answer to that question is plain. Prior to 1855 the wooden ships of the United States, the fast clippers of the ocean, were rapidly taking away the supremacy in the carrying trade from England. When this condition of affairs became apparent England began the construction of iron vessels. There is no question that for years after the war, and before 1855 even, we were unable to build iron ships as cheaply as they could be built in England. None of our great mineral resources had been fully developed, and England had coal, iron, and skilled labor, with which she soon regained her old dominion over the carrying trade of the world.

Our policy prevented the buying of ships where they were cheapest, and so we saw our merchant marine gradually give way to the improved ships of the English. A new force had come upon the sea—the iron ship. It was faster and could carry many more tons, and lasted many times as long as the old wooden ships, and it was but the natural consequence that it soon monopolized



the commerce of the seas. Our stupid navigation laws, which prevent us from buying ships where they are cheapest, forced us to build iron ships or give up our trade. We had not become sufficiently developed in our mineral resources, machinery, and labor to compete with England in the building of iron ships, and thus it was that our merchant marine began to decline and that of England began to ascend.

With this handicap upon the industry, our people turned attention to other lines of industry, and began the great industrial movement which has opened up our vast resources, making the wilderness a site for cities and railroads, and smelters, and workshops, and schools, and churches, until to-day we stand upon the pinnacle of industrial glory. The 10 per cent of our trade which we carry to-day amounts to more than the 75 per cent that we carried in 1855. The attention of the people was attracted to the larger fields of enterprise and money making in the building up and development of our country. But for ten years we have been in position to compete with England in the building of ships. Capital is again being directed to the shipping industry, and we see renewed activity in all lines of shipbuilding and shipping. It is but a matter of a few years when the United States will again challenge England for her supremacy upon the seas.

Having invaded her dominions with our coal and iron, wool and cotton, breadstuffs and tobacco, we will soon be selling her completed war and merchant ships, as we are already furnishing her large supplies of the materials. If a subsidy for ships was ever necessary that day has passed. This very bill is evidence of the renewed activity of capital in this line, and with the characteristic effrontery of the money grabber the millionaires come to the Congress of the United States and ask for thousands of dollars to enable them to live. Last year they wanted \$9,000,000 for twenty years, saying that that amount was absolutely necessary. Being completely routed by the friends of honest government they gave up that claim, and come again this year asking for the amount carried by this bill, which will probably amount to at least a million dollars annually.

This is not an untried experiment. Twice before, and on a large scale, the United States has attempted to subsidize her merchant marine, but in both cases it was a dismal failure, and one of the most disgraceful chapters of our legislative history was connected with them. In 1850 the Government granted a subsidy to the Collins Line, amounting to \$335,000, to ply between New York and Liverpool. From that date until 1859, when the company went to pieces in disaster, the subsidy was raised until it reached \$2,000,000; yet despite it all, the project failed.

The case of the Pacific Mail Company of 1865 to 1875 was not any more successful, ending in disgrace. Experience proves that the system of bounty calls into existence unnecessary ships and diminishes the regular earnings of the company, which the Government is compelled to make up, and when its support fails the company goes to the wall. The whole question is resolved at last to the well-known economical fact that only industries adapted to our conditions and to our needs, and for which we are fitted, can succeed, notwithstanding we may try to force an artificial growth by bounties.

If shipping is to be subsidized, why not agriculture? Why not mining? Why is it that we are asked to open the doors of the Treasury to the wealthy corporations owning shipyards and at the same time close the door to the farmer, who struggles from year to year for the necessities of life; and to the miner, who is shut in the earth digging out his meager existence from day to day? Is another burden to be laid upon the patient backs of the toiling millions, who already groan and sweat under the weight of unjust taxation?

Mr. Chairman, the American people will not forever endure such unholy abuse of their rights. Let not the friends of this measure be deceived. Long suffering, slow to anger, and prone to impute honest motives to men in high places, they will at last see in what manner they have been dealt with, and in their wrath will rise up and drive the money changers from the temple.

It will not do for them to be told that this bill will enable them to obtain new markets for their products and to send them in American ships direct to the consumer. This bill does not provide for any new lines of ships, nor will a single new market result from its passage. Complaint is already heard that our products must take circuitous and unnecessary routes to reach their market. Mill men of South Carolina complain that the cotton manufactures which they ship to the East have to go by New York and Vancouver, instead of directly. This bill will not remedy that evil, but it will increase it instead. The combination of all the carrying facilities which has already been practically accomplished will have the effect of breaking down all the direct means of transportation and compelling the producer to use the longest route and pay the most freight, and this bill is a gift to the combination in aid of their purpose.

If we would help the people and procure for them new markets and cheaper means of transportation, this bill should be defeated without division, and the question of putting some limitation upon the powers and growth of monopoly in this country taken up and dealt with at once. American shipping can safely be left to the demonstrated ability of American capital to build and operate ships in competition with any other nation, and the most that we can or ought to do for it is to repeal our restrictive and unjust navigation laws.

In my judgment, 75 per cent of our foreign trade is carried by American capital in ships which fly a foreign flag, because of the unjust requirements of these laws. Let them be repealed and American ships will take their place in the advancing column of American supremacy without the need of bounty. No enterprise can be built up by governmental bounty alone. Its growth will be superficial, and when the aid is withdrawn it will fall to the ground. On the other hand, an enterprise adapted to the genius of our people and backed by the resources and demands of the country will grow despite obstacles, as is clearly demonstrated by the history of our merchant marine.

Mr. Chairman, I am in favor of industrial expansion and advancement along every line and accomplished by every legitimate means. I would like to see American-built ships, flying the Stars and Stripes, in every port and upon every sea, manned by American seamen and laden with American products. I would like to see direct means of transportation established to the old and new markets of the world and our trade enlarged so as to include every quarter of the globe. I would like to see our wonderful resources fully developed, giving employment to happy and contented labor. And I would like to see the American farmer, who is the corner stone of all our advancement, freed from the oppression of unjust legislation and illegal combination. But these results will never be obtained by discriminating between classes in legislation and imposing taxes upon the masses of the people in order that the few may become gorged with wealth.

In conclusion, Mr. Chairman, let me repeat that if we would aid the people in obtaining new markets and cheaper transportation let us take up the growing power of trusts and monopolies and pass legislation that will relieve the people of the burdens imposed by them. The Republican party has not the manhood to deal with that question openly. While they are in the act of making a weak prosecution of the beef trust, they are proposing by this bill to strengthen the hand of the great railroad-shipping trust. We can not expect anything in the way of relief from the Republican party, which is the creature of private monopolies and organized capital.

The existing laws against trusts should be enforced and more stringent ones enacted, providing for publicity of all the affairs of corporations engaged in interstate commerce, and requiring them to show, before being allowed to engage in interstate commerce, that they have no water in their stock and that they are not attempting to monopolize any branch of business or production, and all the powers of Congress over the mails and all modes of interstate commerce should be used to suppress and control this growing menace to the prosperity of the country.

The Republicans seem not to be interested in promoting the prosperity of the people. With the crying need of remedial legislation at home and vexed problems of vital interest demanding attention, the Administration is engaged in waging a war of extermination upon the Filipinos, the horrors and inhuman cruelty of which is being detailed to us by slow degrees. Not content with a domestic policy that robs the people of the fruit of their labors and makes them the spoil of every form of political corruption, the party in power, forgetting every principle of human justice and inspired only by lust and greed, are carrying on a war of extermination against a weak people, and laying their country open to the tender mercy of the carpetbagger, their only crime being a demand for the principles of liberty and self-government.

It is time to awake to the danger that is upon us and which, unless averted, must surely result in the overthrow of "Government of the people, for the people, and by the people." I have an abiding faith in the character and uprightness of our people, and that they will not long endure the yoke of Republican oppression and injustice.

Mr. CLARK. Mr. Chairman, I move to amend section 19, by striking out, on page 15, all after the word "act," in line 3.

The Clerk read as follows:

Page 15, line 3, after the word "act," strike out the proviso.

Mr. CLARK. This proviso simply shifts from the steamship companies to the United States Government the expense of doctoring up these excluded persons over here. I am opposed to any such performance. That is all there is to it, one way or another.

Mr. PARKER. Let me ask the gentleman a question. Does

not that proviso only apply to those who are held here for evidence?

Mr. SHATTUC. This applies to such people as come here and stay a year under the old law, and have gone into our hospitals and the like.

Mr. BARTHOLDT. Will my friend permit me just one moment? I think my colleague from Missouri does not comprehend the meaning of this proviso.

Mr. CLARK. I withdraw that amendment.

The Clerk read as follows:

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein from causes existing prior to landing, shall be deported, as hereinafter provided, to the country whence he came at any time within one year after arrival, at the expense, including one-half of the cost of inland transportation, to the port of deportation, of the person or persons, vessel, transportation company, or corporation bringing such alien into the United States, or, if that can not be so done, then at the expense of the immigrant fund provided for in section 1 of this act; and at any time within four years after the expiration of one year following such alien's arrival he shall be deported at the joint expense of the said immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien, the former to be charged with the cost of ocean transportation and the latter to defray the expense of delivering such alien at the port of departure from the United States designated by the Commissioner-General of Immigration; and any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated.

Mr. SHATTUC. Mr. Chairman, I move to amend line 21 by striking out the figure "4" and inserting the figure "2;" so that it will then read "within two years."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 21, strike out "four" and insert "two;" so as to read "within two years."

Mr. SHATTUC. Mr. Chairman, this four years was placed in here originally as a compromise in the committee. Some wanted the figures as high as eight and ten years. We compromised at four years. Now, there is so much opposition to the section as it stands now that the committee by a unanimous vote has agreed to reduce that to two years.

Mr. BARTHOLDT. Making it three years.

Mr. SHATTUC. Making it three years in all. This particular provision is made because of a complaint that comes particularly from New York. Under the provision that they might be deported in one year, heretofore it has been found that they would be supported by friends on the outside until the expiration of one year, and then they would be put into the hospitals and poorhouses and other places and stay there the balance of their lives. Some gentleman named Brown, I do not remember his name, but a very distinguished friend of the gentleman from New York [Mr. SHERMAN], came here and gave us information on the subject, and there were those who were interested in our insane asylums interested in the matter also, and this arrangement was made all through the bill. You will find upon looking up the matter, I think, that from 25 to 35 per cent of those in the poorhouses and like institutions in all parts of the United States is made up of these immigrants. It will also be the duty of the Commissioner-General of Immigration to inform these different institutions as to the law and the means by which they can deport them back to the country from which they came.

Mr. COOMBS. What does the gentleman mean by the country from which they came?

Mr. SHATTUC. That is something that I do not care to discuss here. Anybody knows what it is.

Mr. COOMBS. Is that your answer?

Mr. SHATTUC. Yes, sir; that is my answer.

Mr. WACHTER. Why keep these people until they become a public charge?

Mr. SHATTUC. They become a public charge after they come here.

Mr. WACHTER. How long after do they become a public charge?

Mr. SHATTUC. That depends on how long they are well after they arrive.

Mr. WACHTER. How long after?

Mr. SHATTUC. After they have been in here a year they go to the poorhouse and stay there. They can not be deported after one year under the old law.

Mr. WACHTER. Why keep them two years?

Mr. SHATTUC. Let me answer your question. Will you please frame your question? and then I will answer it.

Mr. WACHTER. Why keep them two years after the one year?

Mr. SHATTUC. A man may come here and may pass the inspection, and he may become a public charge after a year and go

into one of our poorhouses. Then the United States takes up the matter and sends him back.

Mr. WACHTER. But only after the expiration of two years.

Mr. SHATTUC. Any time during the two years, but not after.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

Mr. BARTHOLDT. Mr. Chairman, I think the amendment offered by the distinguished chairman of the committee is a step in the right direction. However, I should like him to go a little further. I wish to explain to this committee that this provision of the bill has nothing at all to do with the question of the restriction of immigration. It is a question affecting the right of asylum—the right of residence on American soil. It is an American question. After a man has been in this country for the first three years he may, even in accordance with the amendment proposed by the committee, be deported to his old home.

In the meantime, gentlemen, he may have had children born to him. His children, in this case, are native-born American children. What will you do with the father? Will you separate him from his children, or will you deport those innocent children, though they are born upon American soil, with him? Therefore, I say, even three years is too long a term. In three years a man quite easily can and usually does identify himself with American institutions. He may have started a business. He may have failed in that business, and, in accordance to the terms of this law, he would have to be deported because he is liable to become a public charge.

Mr. KLEBERG. This deportation takes place notwithstanding the immigrant has been admitted in the first place; but if after a year—and according to this amendment, three years—he accidentally becomes a charge on this country he may be deported, although he may have offspring born since he came to this country.

Mr. BARTHOLDT. That is correct. The law now is that a man may be deported within one year. The amendment proposes to extend this term to three years. My argument is that within the three years he may have children born to him. He might be a good American; he may have taken out his first papers; he may have signified his intention to become an American citizen. In spite of all that you propose in three years to deport him to the country whence he came.

Mr. RUCKER. Does the gentleman from Missouri understand that the whole section extends to the deportation of those only who have become a public charge within the time specified for causes existing prior to his arrival here?

Mr. BARTHOLDT. No; I do not so understand it.

Mr. RUCKER. Let me read it; I may be mistaken.

And at any time within four years after the expiration of one year following such alien's arrival he shall be deported at the joint expense of the said immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien, the former to be charged with the cost of ocean transportation and the latter to defray the expense of delivering such alien at the port of departure from the United States designated by the Commissioner-General of Immigration; and any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated.

Mr. PARKER. Now, will the gentleman look to lines 4 and 5 on page 16?

Mr. RUCKER. But this is not an amendment to that part of the bill.

Mr. PARKER. I see that, but I wanted to call the gentleman's attention to the fact that that is a new provision.

Mr. RUCKER. This section applies solely to conditions existing before the immigrant came to this country.

Mr. BARTHOLDT. The whole section has been read.

Mr. RUCKER. The amendment is in reference to line 21, page 15.

Mr. BARTHOLDT. If that is the case, then it is all right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. BARTHOLDT. Mr. Chairman, I now want to offer my amendment. On page 16, line 7, strike out the word "five" and insert the word "two."

Mr. PARKER. Mr. Chairman, I have an amendment which would strike out more of the paragraph, and I think it ought to come in first. I move to strike out as an amendment to the gentleman's amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, line 7, strike out the word "five" and insert the word "two."

Mr. PARKER. Now, Mr. Chairman, I move in substitution therefor to strike out the clause from the word "immigration,"



in line 4, to the end of the section; and I ask the Clerk to read the words that I desire stricken out.

The Clerk read as follows:

Strike out the following:

"And any alien who becomes a public charge from causes arising subsequent to his landing shall be deported to the country whence he came at any time within five years after such landing, at the joint expense of the immigrant fund and of the corporation, municipality, or institution seeking relief from the burden of such alien's support, said expense to be apportioned in the manner above stated."

The CHAIRMAN. The gentleman from Missouri offers an amendment to line 7, and the gentleman from New Jersey made a suggestion and offers an amendment by the way of a substitute. The Chair thinks that this part of the bill should first be perfected by amendment, and then the motion of the gentleman from New Jersey to strike out should be considered, and not in the nature of a substitute.

Mr. PARKER. As my amendment refers to an earlier line, should it not be first considered?

The CHAIRMAN. The paragraph to be stricken out by the motion of the gentleman from New Jersey should first be perfected by the committee.

Mr. BARTHOLDT. Mr. Chairman, I am willing to withdraw my amendment.

The CHAIRMAN. Unless objection is made, the amendment offered by the gentleman from Missouri is withdrawn.

There was no objection.

Mr. PARKER. I only want one word of explanation.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. SHATTUC. I thought we were to perfect the paragraph first.

The CHAIRMAN. No one rose to suggest another amendment—

Mr. SHATTUC. Yes, Mr. Chairman, I rose, but I did not get the attention of the Chair.

Mr. PARKER. If the gentleman from Ohio wants to offer an amendment I will wait. I do not want to take any advantage of him.

Mr. SHATTUC. I simply do not want to lose my right.

Mr. PARKER. I do not want to take any right from the gentleman.

Mr. SHATTUC. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. After the gentleman from New Jersey speaks, will it be in order for me to offer an amendment?

The CHAIRMAN. Yes; amendments will be in order.

Mr. PARKER. Mr. Chairman, I am in favor of perfecting a proper immigration bill, but this clause is not one directed to immigration. If the best man in the world comes to this country and is regularly admitted, this clause declares that if, from causes arising subsequent to immigration, he becomes a public charge within a certain number of years, he shall be deported. This is not right. It may be simply a hod carrier who falls down and is hurt, but who was a good man when he came here. It may be a man of highest character and standing, who was likewise one whom we welcomed to our shores.

There is no reason—may I add that there is no right?—in international or other law under which, if a man is hurt or disabled in this country from causes arising subsequently to his arrival, he should be deported. I understand this to be a new practice, a new provision—something entirely new in the law. We rightfully reserve the right to deport a man who gets into this country in violation of law, or who is not an acceptable immigrant, or who is without means of support, or incapable of earning his own livelihood, if he is for any reason an unsuitable person to become a citizen of this country, even if this disqualification is not discovered until a term of years has elapsed. But if he is a right man, who comes in here rightly and who is in some way disabled after arriving here so that he may be disqualified for self-support, we may have no right to deport him.

Mr. KLEBERG. If we should undertake to do so, might we not practically be deporting our own citizens? The man may have declared his intention to become a citizen, or may have been naturalized.

Mr. PARKER. Certainly. And even though he should still be an alien, he is a man who has been accepted as a suitable denizen of this country; and he has the right to come and the right to stay.

Mr. DOUGLAS. Mr. Chairman, it is a grave question whether this entire section is not unconstitutional. The United States Government beyond doubt has the right to deny admittance to its territory to any man coming here from a foreign land, but whether he may be deported if it should be proved within a year after his landing that causes existed previous to his landing which rendered him not admissible under the law is a different question. I certainly agree with the gentleman from New Jersey

[Mr. PARKER] who has just spoken, that when we go still further and try to arrogate to ourselves a privilege which no other country in the world has ever assumed, of deporting a man after he has resided on our shores for five years, that we are certainly going far beyond reason, prudence, and necessity. Therefore I propose to stand by the amendment reducing the term to one year or two years.

Indeed, I hope that the gentleman from New Jersey will press his amendment so that we can take out of the bill this entire clause. I do not remember that I was in the committee when this clause was passed upon, and therefore if I was, I wish to apologize for not having made my fight in the committee. But now that I look at this question I am satisfied that to adopt such a provision would not be doing what is fair. If we are going to do this sort of a thing and deport men after five years' residence in the country, foreign nations will likely adopt similar laws, so that within a few years we may be exchanging citizens with all the countries of the world. I certainly hope the argument of the gentleman from New Jersey will prevail, and that the entire section will go out of the bill. [Loud applause.]

Mr. SHATTUC. Mr. Chairman, because of the fact that my colleague on the committee [Mr. DOUGLAS] voted on this amendment without proper information and without understanding it, I will consent to its withdrawal.

The CHAIRMAN. The question is on the motion of the gentleman from New Jersey to strike out all after the word "immigration" in line 4.

Mr. HEPBURN. Mr. Chairman, it seems to me there may be something said on the other side of this question. I do not see that great hardship is going to be imposed on anybody by retaining the language now under consideration. It is the law, the public law—

Mr. PARKER. It is not now the law.

Mr. HEPBURN. We have the right to invite whom we please into this country, and we have the right to exclude whom we please. When this provision is enacted it becomes the law, and thereafter every man who comes into this country will come with the knowledge that the provision exists. And the very fact that it does exist, the fact that there is a possibility that the immigrant may not have the right of citizenship or the right of domicile after he becomes a pauper, will be deterrent in its character and will aid in keeping away undesirable immigrants.

I understand that this is a bill in restraint of immigration; that this provision will be one of the powerful aids in that direction. The very uncertainties that are created by it will deter immigration; and I understand that that is what the gentlemen of the committee desired when this section was determined upon.

Mr. BARTHOLDT. Would the gentleman from Iowa separate father and child?

Mr. HEPBURN. Certainly not.

Mr. BARTHOLDT. You would by voting for this provision.

Mr. HEPBURN. I do not so understand. These people who may come here will come here subject to this disability, if it is a disability, that they are liable to be deported. I can not see any hardship in it, because there is notice to all the world that such is the condition of our law, and that is one of the objects of the measure.

Mr. BARTHOLDT. Does any immigrant who comes here expect to meet with accident or misfortune?

Mr. HEPBURN. No; I imagine not.

Mr. BARTHOLDT. Certainly not.

Mr. HEPBURN. But such persons come here knowing, as all other men do, that they are liable to such action on account of disability, and I can not see any reason why gentlemen should be so anxious to impose upon the people of this country the burden and labor of supporting persons of this class.

Mr. DOUGLAS. Mr. Chairman, I would like to ask the gentleman from Iowa [Mr. HEPBURN] if he really believes that any large percentage of the immigrants that come to the United States know the law that is on the statute books of the United States.

Mr. HEPBURN. Well, I hope the time will come when no one will be permitted to come here who does not know something about our laws, and I undertake to say that the man who will come without knowing how he is to be received, what is to be his status after he comes here, what disabilities are imposed on him, is that kind of an improvident man that we do not want.

Mr. ROBINSON of Indiana. Mr. Chairman, I would call the attention of the gentleman from Iowa to the fact that this will strike at the very most desirable class, who are overtaken by misfortune even, and that is not the purpose of this bill.

Mr. HEPBURN. I do not think that the gentlemen can say that it is applicable to all of the classes—

Mr. ROBINSON of Indiana. Yes, and—

Mr. HEPBURN. And I think if the gentlemen appreciate the importance that now exists for not allowing this great multitude

of people to come here as competitors for the bread that our laborers, native or those that are now here, eat, that they would not be so inconsistent.

Mr. ROBINSON of Indiana. I think if the gentleman will look at the provision he will regard it as entirely too harsh as against the desirable immigrants who come to our shores.

Mr. HEPBURN. It is one of the misfortunes, perhaps, or one of the possible disabilities that must come from general legislation. Is it not the purpose of this bill to restrict this legislation?

Mr. ROBINSON of Indiana. Yes; for causes existing at the time of the immigration.

Mr. HEPBURN. No; not necessarily for causes existing.

Mr. ROBINSON of Indiana. Yes; that is the general purpose of the bill.

Mr. HEPBURN. That is in harmony with the general provisions of it.

Mr. ROBINSON of Indiana. Yes.

Mr. HEPBURN. But the purpose of the bill is to decrease the constantly increasing number of people, undesirable in character in many instances, that are thronging our shores, and this provision, by the very uncertainties that it creates, will aid in that direction, and that is why I want it.

Mr. ROBINSON of Indiana. I hope this bill is not construed to work the harsh injustice that this provision would work.

Mr. HEPBURN. There is no injustice. We are doing no injustice to a man, a citizen of another country, when we do not invite him to come here.

Mr. ROBINSON of Indiana. He becomes a citizen of this country.

Mr. HEPBURN. There is no injustice to him in protecting our own rights and our own people.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of five years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section 20 of this act, or, if that can not be so done, at the expense of the immigrant fund provided for in section 1 of this act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section 19 of this act.

Mr. SHATTUC. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers the amendment which the Clerk will report.

The Clerk read as follows:

Amend section 21, page 15, line 14, after the words "period of," by striking out the word "five" and inserting in lieu thereof the word "three."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, with the approval of the Secretary of the Treasury, and prescribe such forms of bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts, with the approval of the Secretary of the Treasury, for the support and relief of such aliens as may fall into distress or need public aid. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges.

The committee amendment was read, as follows:

In line 17, section 22, page 17, after the word "aid," insert the words "all under the direction or with the approval of the Secretary of the Treasury."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. SHATTUC. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 22, page 17, line 3, by inserting after the words "under the" the words "direction of the."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, with the approval of the Secretary of the Treasury, by the Commissioner-General of Immigration, through whom alone all communications from immigration officers to the Treasury Department in regard to the immigration of aliens into the United States shall be addressed.

The following committee amendment was read:

In section 23, line 7, after the word "prepared," insert "under the direction or."

The amendment was agreed to.

Mr. SHATTUC. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 23, line 8, after the word "treasury," by striking out the remainder of the section.

The amendment was agreed to.

The Clerk read as follows:

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before the board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out in lines 16, 17, and 18, page 18, the words "upon the recommendation of the Commissioner-General of Immigration."

Mr. PERKINS. Mr. Chairman, this is an amendment which I hope the chairman of the committee will accept. As the section now reads it says that—

Immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration.

I do not object to giving the entire authority—though it is a large authority—to appoint these employees and fix their compensation to the Secretary of the Treasury; but as this statute now reads, he is bound to appoint employees and to fix their salaries as the Commissioner-General of Immigration shall recommend. In other words, we give to the Commissioner-General of Immigration the power to direct the appointment of no matter how many employees, to fix their salaries in the interest of any person he sees fit. Now, Mr. Chairman, this is a large power to give to an official like the Commissioner of Immigration, and certainly it might lead to very serious results. I think that the chairman of the committee ought to be willing to leave this in the hands of the Secretary of the Treasury, and not in the hands of any inferior official, giving him the right to fix salaries.

Mr. SHATTUC. If there is any one thing that has bothered the Committee on Immigration, it has been the jealousies that have obtained toward the Commissioner-General of Immigration, and the objections raised against giving him any power or authority whatever. That has been carried to such a degree that there is reason to suspect that there is something wrong in other directions; that there are other parties whom they think can be worked a great deal easier than they can work the Commissioner of Immigration. I will give you names, if you want them; but I want to tell you, Mr. Chairman, and gentlemen, that if there is one place in the Government of the United States to-day that ought to have a good man in it, it is the office of Commissioner-General of Immigration in charge of the immigrant business. The present Commissioner-General will shortly leave the service of the Government because of the unpleasant conditions arising from his efforts in unearthing the biggest lot of thieves that this Government ever had in its employ. [Applause.]

Mr. PERKINS. May I ask the chairman of the committee one question?

Mr. SHATTUC. Will you get me some more time?

Mr. PERKINS. Yes.

Mr. SHATTUC. Then I will yield.

Mr. PERKINS. The irregularities or the serious wrongdoings that have been developed recently, did they not all come through the Treasury Department?

Mr. SHATTUC. Yes; through the Treasury Department—



that is, the present Commissioner of Immigration, an official of the Treasury Department, has unearthed wrongdoing to such an extent that the President of the United States secured a \$25,000 man to go and run that business for \$5,000 a year, and he is doing glorious work. Now, I drew this part of the bill myself, and I want to say to my distinguished friend from New York that it meets with the approval of the Secretary of the Treasury; because he did me the honor that I do not think he will ever do another member of this House—to write on the back of this bill, "Dear General, it is all right." Now, I do not believe he would have done that if it had not been all right, and I want to say that I believe the men who have been talking to the gentleman from New York about this matter are the men who have condoned the biggest lot of thieves that have ever existed in Government employ. That is what I think.

Mr. PERKINS. Nobody has talked to me about this amendment at all. I do not want in any way to reflect upon the Commissioner of Immigration. I do not know who the present Commissioner of Immigration is, but I think it is rather unusual to take any official, I do not care whether Commissioner of Immigration or not, and give him the absolute right to fix the salaries of his employees at \$5,000 or \$10,000 a year, if he sees fit.

Mr. SHATTUC. This is all under the civil-service law.

Mr. PERKINS. But that does not fix the salaries.

Mr. SHATTUC. I know that very well.

Mr. PERKINS. He can fix the salaries to suit his own taste.

Mr. SHATTUC. I assume that the gentleman who occupies the position of Commissioner-General of Immigration will do about what is right. He has done it so far when he has been let alone. The great trouble is that they have made a chief clerk of the Commissioner-General of Immigration.

Mr. PERKINS. The general policy of the United States is to fix the salaries of employees of the Government and not take all power and control and fix it in some other employee of the Government. But if my friend insists on that, I do not care anything about it. It is his bill, but I think it is a very bad provision.

Mr. SHATTUC. I will say to my friend from New York that I wrote this section of the bill myself, and I wrote it for the special purpose of adding dignity to the office of the Commissioner-General, so that he would have some authority and not be a chief clerk, and that he should have something to do.

Mr. PERKINS. I withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired. Without objection, the amendment of the gentleman from New York will be withdrawn.

There was no objection.

Mr. RUCKER. Mr. Chairman, before leaving that section, I notice there is a misspelling of one word on the top of page 19. The word "land" is not properly spelled there.

The CHAIRMAN. The Clerk will make the correction. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 25, lines 17 to 20, by striking out the remainder of the section, after the word "prevail," and insert "but either the alien or any dissenting member of said board may appeal to the Secretary of the Treasury, whose decision shall be final."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Mr. ALEXANDER. Mr. Chairman, I offer the following amendment, to be numbered sections 30 and 31.

The Clerk read as follows:

Amend by adding as new sections, to be known as sections 30 and 31:

"SEC. 30. That it shall hereafter be unlawful for any male alien who has not in good faith made his declaration before the proper court of his intention to become a citizen of the United States to be employed on any public works of the United States, or to come regularly or habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, for wages or salary, returning from time to time to a foreign country.

"SEC. 31. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ any alien coming into the United States in violation of the next preceding section of this act: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs, or to boatmen or guides on the lakes and rivers on the northern border of the United States."

Mr. SHATTUC. A point of order on that.

The CHAIRMAN. The gentleman from Ohio makes the point of order against the amendment. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. SHATTUC. It is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be recognized on the point of order?

Mr. ALEXANDER. Mr. Chairman, this is practically the amendment introduced by the gentleman from Michigan [Mr. CORLISS] on last Thursday, with the last line stricken out, which makes it applicable to residents of Canada. I do not care to repeat here the arguments that the gentleman from Michigan presented at that time with so much fullness. But it seems to me that this amendment is entirely germane, inasmuch as it deals with Canadians entering this country the same as other sections treat passengers who enter the country.

I see no reason why this amendment should not be germane, since it provides that Canadians can not enter the country to work without having given notice of intention to become citizens of the United States. I do not see why it is not as germane as the preceding section, which requires that one coming in from Canada shall pay a dollar and a half if he be a passenger. This amendment corresponds with the amendment of the gentleman from Michigan as amended by the gentleman from Missouri [Mr. CLARK].

Mr. SHATTUC. Mr. Chairman, I do not think it is necessary to argue this question. It is parallel to the question decided by the Chair the other day, and therefore I submit that this is not germane.

The CHAIRMAN. The amendment of the gentleman from New York, with a slight variation which does not change the effect of the amendment, is the same as the amendment offered by the gentleman from Michigan [Mr. CORLISS] last week, and to which the point of order was sustained. The same question was raised in the Fifty-fourth Congress by a similar amendment to an immigration bill; and, as the Chair stated in passing upon it last week, Mr. Speaker Reed sustained the point of order on the ground, among other things, that the amendment related to contract labor, on a subject not included within the general scope of an immigration bill. One of the tests of the germaneness of an amendment would be whether if introduced originally it would go to the committee having in charge the bill before the House. Now, it seems to the Chair that the provisions contained in the amendment offered by the gentleman from New York, if submitted as an original amendment, would, under our rules, go to the Committee on Labor.

Mr. ALEXANDER. Will the Chair allow a suggestion?

The CHAIRMAN. Certainly.

Mr. ALEXANDER. The Chair will observe that there is nothing in this amendment suggestive of contract labor. It does not refer to persons coming in under contract to labor. It provides simply that corporations shall not employ Canadians or others after they arrive in this country. There is no contract labor in it, if the Chair will indulge me in the suggestion.

The CHAIRMAN. As the Chair stated, this is the same amendment that the Chair ruled upon last week, and although the word "contract" does not appear, the reading of the amendment discloses this fact, referring to those who come regularly and habitually into the United States by land or water for the purpose of engaging in any mechanical trade or manual labor, the amendment is one which relates to the occupation or the employment of the immigrant after his arrival. So that under the circumstances, and the Chair having ruled upon it last week, the point of order will be sustained.

The Clerk read as follows:

SEC. 30. That after the 1st day of January, 1903, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, may prescribe.

The committee amendment, to insert in line 18, after the word "immigration" the words "under the direction or," was agreed to.

Mr. BOWERSOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 21, after the word "prescribe," in line 20, insert "provided that no intoxicating liquors shall be sold in any such immigrant station."

Mr. SHATTUC. Mr. Chairman, I make the point of order to that that it is not germane.

The CHAIRMAN. Does the gentleman from Ohio wish to argue the point of order?

Mr. SHATTUC. No, Mr. Chairman; it is so simple that it does not need any argument. There is nothing said in this section about what kind of clothes the immigrant shall wear, nor how he shall comb his hair, nor what perfume he shall use; and there is nothing said as to what he shall drink. [Laughter.]

The CHAIRMAN. Does the gentleman from Kansas wish to argue the point of order?

Mr. BOWERSOCK. No, Mr. Chairman, I do not care to argue it. It seems to me that it is germane. The section applies to

eating houses and says that they shall be disposed of after public competition, etc.

Mr. ALEXANDER. Mr. Chairman, I desire to ask the Chair if the first amendment proposed by me a moment ago would, in the Chair's opinion, be germane? There were two sections, and perhaps they could be divided.

The CHAIRMAN. The Chair was of the opinion that both of these sections were not germane.

Mr. ALEXANDER. Will the Chair hear me further upon it?

The CHAIRMAN. The matter has passed, and it could only be done by unanimous consent, and then not until the pending matter has been disposed of.

Mr. ALEXANDER. Very well; I will wait until the pending matter is disposed of and then offer it.

The CHAIRMAN. The question is on the point of order raised by the gentleman from Ohio to the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK]. An examination of this bill discloses that section 30 in connection with section 32 provides in general terms for the government and regulation and the administration of the law in immigrant stations. In section 30 it is provided that eating-house privileges and other like privileges shall be disposed of by public competition under the direction of the Commissioner of Immigration and the Secretary of the Treasury. These terms are general and include the entire subject of the regulation and preservation of order in these immigrant stations. Any amendment making specific restrictions and thereby limiting the general language in this section would, in the opinion of the Chair, be clearly germane, and the point of order made by the gentleman from Ohio is therefore overruled.

Mr. SHATTUC. Mr. Chairman, I want to offer an amendment to the amendment.

The Clerk read as follows:

*Provided, That beer, fermented liquor cheaply made of malt and hops, may be sold in any immigrant station owned or used by the United States Government or in the grounds appertaining to the same under the direction and approval of the Secretary of the Treasury; and that the sale, purchase, and handling of said beer shall be in every respect under the control and direction of the Secretary of the Treasury.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio to the amendment offered by the gentleman from Kansas.

Mr. SHATTUC. Now, Mr. Chairman, I desire to have a letter read in my time that was written by William Williams, the gentleman who was appointed the commissioner in New York on Ellis Island by the President of the United States, and who, I understand, is a twenty-five-thousand-dollar-a-year man working simply for \$5,000 per annum and for glory.

The Clerk read as follows:

UNITED STATES IMMIGRATION SERVICE,  
OFFICE OF THE COMMISSIONER,  
New York, N. Y., May 1, 1902.

Hon. L. M. SHAW,  
Secretary of the Treasury, Washington, D. C.  
(Through Commissioner-General of Immigration.)

SIR: In reply to a letter of Rev. Wilbur F. Crofts, written to the President on April 22, and referred to this office for investigation, under the Commissioner-General's indorsement of the 25th ultimo, No. 30250, I beg to report as follows:

I took office on the 28th ultimo. I find that there are, outside of the restaurant, three lunch counters in this building. At one of them no liquid of any kind is served; at another only beer is served; at the third beer, as well as milk, coffee, tea, and soda water. I have directed that at each counter at which any liquid is served there shall hereafter be served milk, coffee, tea, and soda water; that the quantity of milk heretofore sold for 5 cents shall be sold for 4 cents; that it be made just as easy for immigrants to purchase these articles as beer, and that at all reasonable times and places milk shall be furnished to young children upon the mother's request. I shall also increase the facilities for procuring drinking water.

I have been here too short a time to personally observe whether or not any drunkenness occurs in this building. I am advised that it has not occurred in the past, and I have given orders that no undue amount of beer shall be sold to anyone.

Upon the question whether all sales of alcoholic beverages should be forbidden opinions will necessarily differ. Having in view the character of people who come here, practically all of them accustomed to the use of light alcoholic beverages in their own countries, I can see no reason for preventing those who may so desire from obtaining a moderate amount of beer upon landing. At any rate, I shall for the present decline to recommend a change in the existing Treasury regulations upon this subject.

The letter in question speaks of the immigrants as being "treated like cattle" and "herded." In so far as this statement may mean that they are at times crowded, and that the portions of the building set over to the use of the railroad companies are inadequate, the statement is correct. The condition is one which can not be wholly remedied, except by the creation of additional quarters. To this matter I will in due time give my attention.

Respectfully,

WM. WILLIAMS, Commissioner.

Mr. SHATTUC. Now, Mr. Chairman, I had that letter read to show the members of the House just how matters were conducted on Ellis Island. I also hold in my hand the contract which may be terminated at any time on thirty days' notice, and it says that beer shall be sold only by the bottle and that no other alcoholic beverage will be allowed at this island. Now, Mr. Chairman, I think it is entirely proper for an amendment of the kind offered by the gentleman from Kansas should come from the

State of Carrie Nation. He has introduced Carrie Nation's resolution in the House of Congress. I do not believe there is any more harm for these Germans and other respectable immigrants coming to Ellis Island, or coming into the country, to get their beer and drink it in moderation than it is for me to go down in the restaurant of this House and drink it there if I want it.

Mr. LANDIS. I should like to ask the gentleman whether he does not think such a thing questionable in any building owned by the Government?

Mr. SHATTUC. I have a resolution right here in my desk designed to put a stop to this thing. Will the gentleman vote for it?

Mr. LANDIS. I will. I do not think that liquor should have any place in this building.

Mr. SHATTUC. Very well.

Now, those immigrants are educated very differently from our people here at home. They come from countries where it is not regarded as a disgrace to take a glass of beer, and I do think it would be a great jar on their sensibilities if they should on arriving here run up against such a code as our temperance friends wish to impose.

[Here the hammer fell.]

Mr. LITTLEFIELD. I move that the gentleman's time be extended for ten minutes.

Mr. SHATTUC. I ask unanimous consent to speak for three minutes more.

There was no objection.

Mr. SHATTUC. Mr. Chairman, I think gentlemen of the House will take it for granted that the immigrant agent in New York, a responsible, reputable gentleman, tells the truth when he says that they are limiting the sale of beer there and that it is the only intoxicating liquor sold. I think it would be an absolute hardship for us to pass a provision of this kind, to be made effective the moment these people reach our shores. Therefore I hope this amendment which I have offered, to make it legal to sell beer to immigrants under the restrictions named in the amendment, will be adopted.

Mr. KLEBERG. Mr. Chairman, I hope that the amendment offered by the gentleman from Ohio [Mr. SHATTUC] will be adopted. I do not think this House ought to go into the prohibition business and deny to these people the mild beverages which are now being sold at the immigration stations under the supervision and control of the United States authorities. Certainly no disorder of any sort would be permitted there, either by the local authorities or by the authorities of the United States. I think that an amendment such as that offered by the gentleman from Kansas [Mr. BOWERSOCK] would smack very much of prohibition and would look like an interference with the local laws of New York and of any other State in which these immigration stations may be located. I therefore hope that the amendment of the gentleman from Ohio to the amendment of the gentleman from Maine will be adopted.

Mr. BOWERSOCK. Mr. Chairman, I do not wish to take up the time of the House. It was not my intention by the amendment which I offered to protest at this time against or to prevent Germans or others who may desire beer from procuring the same. The object, and the prime object, of my amendment was that the Government of the United States in the use of its property or buildings should not be connected with the saloon or liquor-selling business. Certainly the first experience of the immigrant when he lands on our shores should not be with the liquor traffic under favor of the Government. I ask to have read in my time a newspaper clipping, which, I think, will indicate the feeling of a large portion of the people of this country on the subject.

The Clerk read as follows:

FOLLOWERS OF FATHER MATTHEW PROTEST AGAINST THE POISONING OF IMMIGRANTS.

EAST CAMBRIDGE, MASS., May 8, 1902.

At the regular meeting of the Father Matthew Total Abstinence Society of East Cambridge, held upon Monday evening, the following resolution was presented by ex-Alderman John T. Shea:

"Resolved, That in the opinion of the members of the Father Matthew Total Abstinence Society of East Cambridge, Mass., the oldest Catholic temperance society in America, Congress should forever prohibit the sale of liquor at all immigrant stations of the United States.

"It is decidedly inconsistent to enact laws that all immigrants must possess a certain amount of finances to permit their landing, and then immediately endeavor to handicap them by encouraging, enticing, or permitting them to secure liquor.

"The United States will not permit a criminal or pauper to land on our shores, yet before our incoming future citizens reach our mainland the saloon door, which leads to pauperism and crime, is thrown open for their admission and temptation.

"We protest against our immigration officials conducting a United States bar, rightly called a bar.

"In the name of humanity, we ask Congress to pass the Penrose bill, which prohibits the sale of liquor at all immigrant stations.

"As it is prohibited to sell liquor in any Government building within the District of Columbia, so should these stations be so governed that hereafter no one should be allowed to sell that which proves to be the greatest menace to home, State, country, and church."



In presenting the resolution Mr. Shea spoke at some length of the conditions existing on Ellis Island. The resolution was unanimously adopted with the hearty approval of all present, and Mr. Shea was directed to forward a copy of the same to Senator PENROSE, of the Committee on Immigration.

Mr. LITTLEFIELD. Mr. Chairman, I hope that the Committee of the Whole will vote down the amendment offered by the gentleman in charge of this bill [Mr. SHATTUC]. I have only a word to say in relation to the question. I listened with great interest to the reading of the fresh letter written by the gentleman who is contributing \$20,000 a year, as I understand, to the United States Government, by rendering service for \$5,000 a year when his services are worth \$25,000. About all there is in that letter is the statement that the sale of beer is conceded to be injurious to immigrant stations; and it is conceded by William Williams, if I get his name right—

Mr. SHATTUC. Will the gentleman tell me how it is conceded by that letter that the sale of beer at immigrant stations is injurious?

Mr. LITTLEFIELD. It is conceded by the statement that the traffic needs regulation, that it must be controlled.

Mr. SHATTUC. Anybody knows that.

Mr. LITTLEFIELD. Of course, anybody knows that the sale of beer must be controlled, because when the sale is unlimited it is injurious.

Now, then, so far as I am concerned, I want to go on record upon this question. If the House wants to take the position that the United States Government will use its premises for the sale of beer, you have presented by this amendment the opportunity to make that declaration. If that is your position, vote for the amendment; if not, vote against it.

I am ready to go on record upon the proposition that the United States Government does not want to engage either directly or indirectly, by the use of its premises or otherwise, in the sale of beer, leaving its regulation to William Williams or any other man who happens to be Commissioner of Immigration. That is all there is to the question, and I hope the amendment will be voted down, and that the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK], notwithstanding he comes from the State of Carrie Nation, as the chairman of the committee sneeringly said, will be adopted by the House. It does not involve any great controversy. It is simply that question, Do we want the United States to stand in this position? For one, I do not.

Mr. ADAMS. Mr. Chairman, in my judgment there is another question involved than the mere sale of liquor. Nearly every argument that has been made on the floor of this House in favor of the restriction of immigration into this country has had stated as its main foundation the fact that the migration from the northern countries of Europe was falling away, and the influx was coming from the southern quarters—from Italy, Hungary, and Austria—where the class of immigration was not so desirable. Nearly every supporter of this bill, and everyone who advanced arguments, made that as the primary ground of the necessity for the restriction of migration to this country. All deplored the falling off of migration from Ireland and England, and Germany, Denmark, Sweden, and Norway.

Now, I submit to the judgment of this House that if you wish to encourage immigration from those northern countries and to stop the falling away you can not do anything more efficacious than to do something which will prompt every one of those immigrants, when he arrives in this country, to write home to his relatives and say, "Why, we have come to a land where we can not even get a glass of beer." This is not a question of temperance. It is not a question of a Government building being occupied for the purpose of selling liquor, excepting what I believe to be under the good condition. To take away from a German his glass of beer will do nothing in aid of the cause of temperance at all.

I do not think any happier sight exists in this world than to see the German, with his family, sitting in a German beer garden having feelings ennobled by listening to good music. It is the custom of the country. There is no question of intoxication or intemperance about it. It is the rarest thing to see an intoxicated man in Germany or in France, or any other country where people use the gifts of God in moderation, because it is the custom and the morality of the people so to do. Therefore I take issue with the gentleman from Maine [Mr. LITTLEFIELD]. This is not a question of temperance as regards those people who want it. It is meat and drink to them in the broadest sense of the word. Do not put a stoppage to the desirable class of migration by imposing such conditions at the port of entry that they will send home accounts of the inhospitable ways of this country and of the prejudice of the Government against what they have always been accustomed to in their own land, and in that way raise a prejudice in the minds of those people whom everyone who has spoken in favor of this bill desires to come to this country.

Mr. RUCKER. Mr. Chairman, I will not consume the time of this committee, but I do want to say on this particular matter, much as I regret to—and I do regret it profoundly—I shall have

to break away from the leadership of my distinguished chairman and vote against the amendment and vote for the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK]. If it be true that it is necessary to stimulate emigrants into this country by inviting them to a glass of beer or by putting it where they may get it while on Government property, I, for one, think that we had better do without emigrants. I am in favor of prohibiting in the most rigid way that the law can be framed the sale of liquor in any form under any roof owned and controlled by the United States Government, and if that should drive it from this building I would welcome it. I believe every gentleman here will. Fortunately, in our gripsacks, we can conveniently carry enough for a day's rations. [Laughter.]

Mr. LANDIS. Mr. Chairman, I am not a follower of Carrie Nation, neither am I a professional prohibitionist; but I do believe that it is the duty of this House to vote down the amendment offered by the gentleman from Ohio. The suggestion that it is essential to present the immigrant from a foreign land to this country with a glass of beer immediately upon his arrival, to stimulate him and to enable him to continue his progress to his destination, is utterly and absolutely ridiculous.

Mr. SHATTUC. If you are taking this matter so much to heart, why is it that you do not distinguish yourself by offering a resolution to stop drinking in this Capitol? If you will do that I will vote with you.

Mr. LANDIS. I would vote this instant to abolish absolutely the sale of intoxicating liquors in this Capitol. [Applause.]

Mr. SHATTUC. Why do not you put in a resolution?

Mr. LANDIS. I do not believe that beer or whisky or anything else that intoxicates has any place in any institution owned by the Government of the United States.

Mr. SHATTUC. That will never be effective unless you put in a resolution and address your remarks to that.

Mr. LANDIS. The gentleman from Ohio knows that such a resolution would not be germane, and the gentleman from Ohio would object if I should offer it now.

Mr. SHATTUC. If you would put me in the chair I would determine it. [Laughter.] I want to give you a chance to get in your resolution.

Mr. LANDIS. I want to say to the gentleman from Ohio that I shall surely offer such a resolution if he will promise not to make a point of order against it.

Mr. SHATTUC. I will promise to be in the chair when you do it. [Laughter.] Let us see, then, how long we will have to wait to get it.

Mr. LANDIS. I shall offer such a resolution, Mr. Chairman, and I shall vote against the amendment of the gentleman from Ohio. The immigrant that we have to tempt to this country with a glass of beer is not the kind of an immigrant that we want. Nearly all the trouble that we have had with our military posts and Soldiers' Homes has grown out of the sale of liquor near those military posts and Soldiers' Homes, and if I had it in my power I would not permit the sale of liquor within ten miles of either a military post or a Soldiers' Home. [Applause.] I hope that the amendment of the gentleman from Ohio will be voted down, and I serve notice on the House now that I shall offer a resolution in response to the suggestion of the gentleman from Ohio abolishing the sale of liquor in the Capitol building of the capital city of the United States. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, this discussion strikes me as somewhat funny, and I am surprised that our prohibitionist friends see fit to inject their peculiar notions into a bill for the regulation or restriction of immigration. I frankly confess that I am a temperate man, but I for one would protest against the majority of this House depriving me of my personal liberty, of the right to indulge in a glass of healthful malt liquor if I desired it, even in this Capitol.

Mr. CHURCH. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. BARTHOLDT. No; I do not.

Mr. RUCKER. I wanted to ask you if it would be any deprivation of your rights to deny you the privilege of buying it in this Capitol, when you could buy it elsewhere?

Mr. BARTHOLDT. If we permit our prohibition friends to go up to Ellis Island and teach their lessons there, we might as well go a step further and permit emissaries of the Republican party to teach immigrants the meaning of protection and sound money, and we might allow emissaries of the Democratic party to teach immigrants what free trade and Bryanism means. We might admit the missionaries of the idea that all people should be drilled in military service, and we might introduce on the floor of the great halls in Ellis Island gymnasiums for the purpose of drilling and training those immigrants before they are admitted to the streets of New York, where, by the way, they can drink as much as they please.

Mr. COCHRAN. I should like to inquire if you think it would be necessary to have anybody teach the country the meaning of speeches of that kind?

Mr. MANN. Or the meaning of questions of that sort.

Mr. BARTHOLDT. I did not understand the gentleman.

Mr. COCHRAN. I ask you if you think it would be necessary to have anybody teach the country the meaning of such speeches as you are delivering?

Mr. BARTHOLDT. Mr. Chairman, I do not know what the gentleman means. He may have a little fun at my expense, but I assure him that I am serious in this matter, and if he understands the English language, I think he will understand what I said, even without a special lesson.

Mr. COCHRAN. If the gentleman will pardon me for one minute—

Mr. BARTHOLDT. Before I yield, I want to compliment the Democratic party of the great State of Missouri upon having found on this floor a champion of prohibition. If the Democratic party in Missouri stands for that, it will mean a Republican State of Missouri and a Republican United States Senator from that imperial State next time. [Applause.]

Mr. COCHRAN. Will the gentleman pardon me a moment? I want to suggest that as to resolutions prohibiting the sale of liquor in the Capitol and speeches advocating the use of liquor, or suggesting it as personal liberty, it is probably immaterial what my views are upon the subject. My opinion is, however, that the country will regard speeches on this subject as very cheap bids for the approval of constituents.

Mr. LANDIS. The gentleman will have an opportunity to go on record before his constituents.

Mr. COCHRAN. I will go on record.

Mr. BARTHOLDT. I yielded to the gentleman for a question, but not for a speech. He can speak in his own time. If he is for prohibition in his constituency he has the same right that I have, and I may say that in my own district there are a great many people who do not believe in the use of liquor. But I say this, even as a temperate man, and even if I were a prohibitionist, I would not indulge in this sort of prevention. I would not attempt to. I would look at it as any American ought to do it, and not deprive any one else of the privilege of taking a healthy glass of beverage such as described here. [Applause.]

Mr. Chairman, this is a bill to regulate immigration, if you please, and I think we can safely intrust these minor details of dealing with the immigrants upon their arrival at Ellis Island to the authorities of the Treasury Department, and if anything has convinced me that would be the proper policy to pursue, it is the letter which has been read here, offered by my friend from Ohio, from the gentleman who is in charge of that system.

The CHAIRMAN. The time of the gentleman from Missouri has expired. Debate upon the two pending amendments has been exhausted, and the question is on agreeing to the amendment of the gentleman from Ohio to the amendment offered by the gentleman from Kansas.

Mr. BISHOP. I would like to have the amendment read.

The CHAIRMAN. Without objection, the amendment of the gentleman from Ohio will again be reported.

The amendment was again reported.

The question was taken on the adoption of the amendment; and the Chairman announced that the yeas appeared to have it.

Mr. SHATTUC. Division.

The committee divided; and there were—ayes 25; noes 75.

So the amendment was rejected.

Mr. SHATTUC. I offer the following substitute.

The CHAIRMAN. The gentleman from Ohio offers a substitute for the amendment offered by the gentleman from Kansas, which the Clerk will report.

The Clerk read as follows:

That hereafter it shall be unlawful to sell intoxicating liquor in any immigrant station or other building accessible to aliens owned or used by the United States Government, or in the grounds appertaining to the same.

Mr. MANN. Upon that I raise the point of order.

The CHAIRMAN. The gentleman from Illinois raises the point of order against the substitute.

Mr. MANN. That the bill before the House is a bill relating to immigration, and the amendment which is now offered as a substitute by the gentleman from Ohio would embrace every building owned by the Government of the United States. It goes far beyond the question of immigration. It would forbid the sale of liquor in the Capitol. It would forbid the sale of liquor in any building anywhere owned by the Government of the United States. It is entirely beyond the province of the present pending bill, and is in no way a restriction upon immigration, because any building in the United States is subject to entry by an alien. No amendment or substitute would cover all the buildings owned by the United States. It is not a restriction upon immigration, and, in my opinion, it is not germane to the bill.

Mr. LANDIS. I would like to ask the gentleman from Illinois a question, if he will yield.

Mr. MANN. Certainly.

Mr. LANDIS. In what building, except the Capitol, owned by the United States, is liquor sold?

Mr. MANN. I do not know, Mr. Chairman, whether liquor is sold in any building of the United States, but the point I make is that this bill, which is a bill to restrict and regulate immigration, can not be amended by putting any provision forbidding the sale of liquor in a post-office. It has nothing to do with immigration. I am talking about the point of order.

Mr. LANDIS. The manner in which you emphasized that proposition led me to believe that there must be some particular building in the United States in which liquor was sold.

Mr. MANN. If the gentleman asks my opinion concerning it, I do not know of any building in the United States outside of the Capitol where liquor is sold; and so far as I am concerned no liquor would be sold in the Capitol. There is none sold to me, I will say, in the Capitol; but I do not believe in hysterics in legislation, and this is pure hysterics at present. [Applause.]

Mr. SHATTUC. Just as I stated when the issue was made. I said to those temperance advocates that they should have an opportunity to go on record, and I was told that I would be the one to rise and object. Now I want to say that I do not drink anything at all; I do not smoke anything at all, and I do not chew at all; and I do not think I am one bit better man than the man who does all those things in moderation.

Several MEMBERS. What do you do?

Mr. MANN. Will the gentleman permit me to interrupt him?

Mr. SHATTUC. No; I will not permit you.

Mr. MANN. I want to suggest that the gentleman has one very bad habit, and that is he tells good stories. [Laughter.]

Mr. SHATTUC. It is not usual for a member of Congress to tell what he does not do. Very few come up here and tell the House what they do do, either. [Laughter.] I want to say, in good faith, that I do not think it any worse to sell beer on Ellis Island than it is to sell champagne here. I just simply want to demonstrate to this House, to these great constitutional lawyers, that they were not sincere in everything that they have said about this matter.

Mr. MANN. Does the gentleman refer to myself? Because if he does, I voted for the gentleman's amendment. [Laughter.] And if in so doing I was voting for a fanatic, I did not know it.

Mr. SHATTUC. Mr. Chairman, I withdraw the offensive remark.

Mr. MANN. Nothing the gentleman can say will be offensive to anybody in the House.

Mr. SHATTUC. I will see that that goes out of the RECORD. [Laughter.] Now, Mr. Chairman, seriously, it has been so of late when you could not get what you wanted from the Chairman, when he does not do as you want him to do, you either damn him and curse him or take an appeal. I am not going to damn him or curse him because he has not ruled as I want him to, neither will I take an appeal; but I trust in the good sober solid sense of the Chairman, that he will not let these temperance people avoid this vote. I know if I took an appeal they would overwhelmingly vote to put that thing through, and I know how easy it would be for me to teach the Chairman a lesson and tell him how small he is when we want to use him by reversing his decision, but I am not going to do it, and, Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is ready to rule. The raising of a point of order necessarily throws upon the chairman the responsibility of deciding it. This amendment offered by the gentleman from Ohio as a substitute, taken in its entirety, is certainly not germane to even the broadest scope or intent that could be given to this bill. As the Chair stated in ruling on the point of order, one test of the germaneness of an amendment that can always be made is this: Could the subject embraced in the amendment, if offered as an independent bill in the House, be referred to the committee which has reported the bill under consideration?

Now, that part of this amendment which restricts the sale of intoxicating liquor in all public buildings would certainly not be a matter which would be referred to the Committee on Immigration, and the description of these buildings as buildings which are accessible to aliens is a mere description of all public buildings by indirection or by circumlocution of words. It seems very clear to the Chair that, taken as a whole, this amendment, offered as a substitute, is not germane, and the Chair sustains the point of order made by the gentleman from Illinois.

The question is on agreeing to the amendment offered by the gentleman from Kansas. Debate on the amendment has been exhausted.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word. I do it to ask the chairman of the committee a question. I would like to know whether the restaurant business at



Ellis Island is under the control of the United States officers, or whether it is under contract entered into between the Government and a private party, and whether the restaurant business is conducted by a private citizen?

Mr. SHATTUC. It is conducted by private citizens under a contract which they can terminate with thirty days' notice, and it is well conducted.

Mr. COCHRAN. Mr. Chairman—

The CHAIRMAN. Debate upon this amendment has been exhausted.

Mr. COCHRAN. I rise Mr. Chairman, to speak to the amendment offered by my colleague from Missouri.

The CHAIRMAN. The gentleman from Missouri is recognized in opposition to the amendment to strike out the last word. [Laughter.]

Mr. COCHRAN. Mr. Speaker, every now and then an opportunity arises for speech making in favor of suppressing the rampant evils of King Alcohol, and then we have an exhibition of the avidity with which persons can signify their interest in the general welfare and the cause of temperance. A few, myself among the number, will protest against measures like this as unwarranted interference with the personal habits of the citizen. Do such discussions serve any good purpose?

I do not believe a majority of the members of this House want the House saloon closed, or it would have been closed long ago. A majority want it, or it would not be there. If we have no other power, we have power to order and enforce police regulations for the Capitol. The bar remains down stairs week after week, month after month, and year after year because we do not want it closed up.

Yet when the question arises whether liquor ought to be sold here we find a comfortable majority bobbing up and signifying indignant opposition to the sale of liquor in the Capitol. As I suggested to my friend and colleague [Mr. BARTHOLDT], the country will need no help in interpreting his speech. I arrived at the conclusion long ago that speeches on this subject are taken for about what they are worth.

Hearing on this floor a speech on this subject, one need not to know the name of the speaker or where he comes from to know the sentiments of his constituents. If he denounces "King Alcohol," I will guarantee there is a strong prohibition sentiment in his district. If on the other hand he discourses of the personal liberty of the citizen and opposes anything that would shackle his freedom of action, it is safe to assume there is a pretty large liquor interest in his district. [Laughter and applause.]

Mr. BARTHOLDT. Will the gentleman allow me a suggestion?

Mr. COCHRAN. Yes, sir.

Mr. BARTHOLDT. There was a time when the gentleman from Missouri was rather outspoken in his denunciation of the conduct of the British in buying Missouri mules; but when it was found that a British camp had been established near his district he suddenly became reticent on that subject. [Laughter.]

Mr. COCHRAN. I will say to my friend and colleague that if he knows the facts of the case he is misrepresenting the truth; and if he does not know the facts, he commits a serious indiscretion in illustrating his usual ignorance of the proceedings of this body. [Laughter and applause on the Democratic side.] When I heard that there was such a camp within 40 miles of my town, I arose on this floor and stated that if the President of the United States and the Secretary of State would perform their duty they would terminate that infamy as they ought, in good conscience, to have done long ago. [Applause.] That is what I said, and I repeat it now.

Mr. LANDIS. Will the gentleman allow me to ask whether he made that declaration because he honestly thought it, or because he thought it would be popular in his district? [Laughter and applause on the Republican side.]

Mr. COCHRAN. I expected just such a question from an Indiana politician [laughter]; and I will answer—

Mr. SHATTUC. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. The gentleman is not discussing the question before the Committee of the Whole. I want to get through with this bill this evening.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. BOWERSOCK].

Mr. BOWERSOCK. I ask that the amendment be again read.

There being no objection, the amendment was again read.

The question being taken, the amendment was agreed to, there being—ayes 83, noes 18.

The Clerk read as follows:

Sec. 33. That the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to un-

necessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose: *Provided*, That any such transportation company shall agree, as far as practicable, to assume all the obligations imposed by this act on the masters, agents, and owners of vessels bringing aliens to ports of the United States or its territory.

The amendments reported by the committee were read and agreed to, as follows:

In line 24, page 22, after the word "Immigration," insert "under the direction or."

In line 10, page 23, strike out "or its territory."

The amendments were agreed to.

Mr. SHATTUC. Mr. Chairman, I move to amend by striking out the last word.

Mr. Chairman, I wish to state at this time, not only for the information of this House, but so that it may go into the RECORD for the information of others, just what obtains in the entry and inspection of aliens into the United States through the Canadian frontier, as prescribed by the Secretary of the Treasury in accordance with section 8 of an act approved March 3, 1891, entitled "An act in amendment to various acts in relation to immigration and inspection of aliens under contract or agreement to perform labor, etc."

First. All aliens arriving in Canada destined to the United States are inspected at the following ports: Halifax, Nova Scotia; Quebec; Point Levis, Vancouver; St. John, New Brunswick, and Victoria, British Columbia. Holders of certificates duly signed by the United States Commissioner of Immigration at any one of the said ports are entitled to admittance to the United States without further examination by United States immigration officers at any one of the places of entry to the United States along the border, as to their right to enter, upon the identification and their surrender of said certificates to such official. Certificates are of regulation form prescribed by the Secretary of the Treasury.

Second. Examinations at Canadian ports of aliens destined to the United States are in all respects similar to those conducted at ports of this country.

Third. Aliens arriving at said Canadian ports who are adjudged inadmissible to enter the United States, under the agreement, should be refused certificates and the steamship company bringing such aliens, under the agreement, should return them to the countries from which they respectively came.

Fourth. Under the agreement, the masters of vessels are required to furnish the United States commissioners of immigration at such ports with manifests of all passengers destined to the United States, and the masters, owners, or agents of such vessels should pay, under the agreement, the sum of \$1 for each alien brought to such ports and destined for the United States. Payment is made to the United States commissioner of immigration at said ports.

Fifth. All aliens who are not provided with such certificates, as required, who shall apply at the border line between Canada and the United States within one year after arrival at a Canadian port are required to return to such port, or any designated port, for the payment of the head tax, examination, and certificate.

Sixth. That immigrants destined in good faith for Canada who shall apply as above for admission to the United States within one year after arrival in Canada who shall have settled at a point west of Quebec shall be held for investigation by the board of special inquiry at Montreal, Canada; Buffalo and Suspension Bridge, N. Y.; Detroit, Port Huron, and Sault Ste. Marie, Mich.; Pembina, N. Dak., and Sumas, Wash., under the agreement.

Seventh. Under the agreement, the railway and other transportation companies in the Dominion of Canada should not sell to any alien en route to any part of the United States tickets for their transportation or transportment in cars or vessels from the point of entry until after they have exhibited their certificates as provided by the agreement, and the agreement provides also that they shall not knowingly transport any rejected or inadmissible alien or those who are by law prohibited from entering the United States into its territory, but are to return all rejected aliens to the port at which they arrived.

Eighth. The agreement further provides that the various steamship lines, parties to the agreement, shall return through some port of the United States at their own cost and expense, such aliens as, having been brought into Canada on their respective lines, have become public charges in the United States within one year thereafter from causes existing prior thereto; in like manner as aliens who have become public charges under similar conditions are now returned by the lines that bring them to the ports of this country.

The United States Government, the Canadian Pacific Railway, the Grand Trunk Railway, the Elder-Dempster Company, the Allan Line, the Hamburg-American Line, and the Dominion Line are parties to the agreement, but the Grand Trunk Railway and the Canadian Pacific Railway are the companies that see to it that the agreement is kept, and without these two companies, I

am credibly informed, there would be no agreement. And these two companies interest themselves in seeing that the agreement is kept, not because they are legally bound to do so, but because of the fact that they know that if there was no agreement, and if the agreement was not reasonably well maintained this Government would at once put itself in such a position as to obtain desired results, so far as possible under present laws.

Now, it is shown by this agreement that there is no hardship imposed upon any one of the railways and steamship lines at all, and that there would not be any need of new legislation so far as transportation is concerned if it were not for the fact that the agreement is purely a voluntary one on the part of the Canadian lines, and that there would not be an agreement at all were it not for the action of the two Canadian railway companies, who are themselves interested in seeing an agreement made and kept and who have not themselves, under present conditions, that commanding position that they will legally be given by this bill as amended in the first section where the transportation lines are included with the steamship lines as being required to pay the head tax, unless otherwise arranged for by the Secretary of the Treasury of the United States, which is authorized by this bill. Besides, the Secretary of the Treasury at present, under the old laws, is not in a position where he can demand and enforce a contract as provided for in the last section of the bill. The old law leaves the Secretary of the Treasury without either legal or moral backing to enforce a proper agreement authorized in the last proviso of section 1 of the bill before the House.

It is understood by everyone that the Canadian steamship companies are not subject to our jurisdiction, and the only possible way we can reach them is through the Canadian railway companies, and the only possible way we can occupy an influential or commanding position with the Canadian railroad companies, such a position as we should occupy in order to secure the proper observance of our immigration laws and for reaching an agreement with the Canadian lines that would be fair to all concerned, that would protect American interests and carry out the intent of the immigration laws of this country is to allow this bill to pass as amended, including transportation lines in with steamship companies as being held responsible for the payment of the head tax. It is well understood by everybody that the Canadian railways that have no terminals in this country are not subject to our jurisdiction, but it should not be forgotten that the railways that have no terminals in the United States must necessarily, if they sell tickets to aliens to points in the United States, ticket via some American railway, and it is the connecting lines, the American railways, we will look to when necessary and hold them responsible.

Now, I have said before that if the Canadian railway lines do not do what is right in the conduct of the immigration business the Secretary of the Treasury of the United States is to place in operation the rule against the American connecting lines doing business with the Canadian lines.

This bill under discussion now does not in any essential feature change the situation as far as the Canadian frontier is concerned, except in this particular requiring that the railway lines shall be responsible for the collection of the head tax and the establishment of designated ports of entry on the Canadian frontier. It will be observed that under the present agreement the head tax is collected only once from the aliens who are in Canada who wish to run backwards and forwards to the United States and vice versa, and after that one collection there is nothing said about the head tax.

Very many of our New England friends are apprehensive that this law is going to inflict some terrible calamity upon New England interests. I respectfully call the attention of these distinguished gentlemen to the latter clause of section 1 of this bill, wherein the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, is authorized to make an agreement or agreements with foreign transportation lines to arrange in some other manner for the payment of the duty imposed upon aliens seeking admission overland, "either as to all or as to any such aliens." It will be to the interest of this country in the collection of the head tax to collect as at present from the steamers, as it can be much more easily collected from the steamship companies because of the fact that the steamship companies have facilities for collecting this tax that the railway companies do not possess.

Besides this the Government of the United States should be in a position to force, if necessary, a strict compliance, not only with the agreements but with our immigration laws as well, because it is a fact that the Canadian steamship companies have not returned debarred aliens to the ports from which they came, as they have agreed to do, and that at very recent date, and the evidence substantiating that statement can be found in my address opening the debate on this question. Thousands of these aliens who should have been returned—diseased aliens and others—

those who would not be admitted at New York—have sneaked in through Canada on account of the negligence of these Canadian steamship companies and for want of proper facilities along the Canadian frontier. They have advertised in certain portions of Europe and Asia especially with a view of securing these objectionable people to come in on their lines, people who would be rejected at New York by our Government.

Now, our Government should be in a position to tell these steamship companies, through the Canadian railways, to do business in a proper way, in an American way, or that they can not do business at all to this country. Our Secretary of the Treasury should be in a commanding position where he will not have to beg and beseech of these foreigners that they treat us fairly. It is belittling; it is humiliating.

This bill gives him that position. When it is borne in mind that Canada last year paid \$500,000 commission to secure alien immigrants to their country, when it is also remembered that they had no exclusion laws and that any one of these people who wanted to could come into that country, one can see at a glance what a horde of undesirable people they have induced to come to their shores, and it is not a rash statement to make that a very large number of this objectionable people have found their way across our border simply on account of the inefficient service that we have there at the present time. This state of affairs will be remedied as soon as the amendment offered by me to this bill becomes law, the amendment establishing ports of entry along the Canadian frontier, where better watch can be kept on these people than is kept at the present time; where our force of inspectors and other officials will be concentrated on the Canadian frontier.

I sincerely hope, Mr. Chairman, that our New England friends, a large number of whom did not vote for this amendment—that of establishing ports of entry—and who objected to the head tax applying to aliens who might be visiting Canada and would want to come over for a day or so to this country, will not be antagonistic to any further effort on the part of the Immigration and Naturalization Committee to close that open gate on the Canadian frontier, because I noticed that all these members regarded with astonishment that little amendment, and they feared it might interfere with free immigration to the United States from points adjacent to the homes of these gentlemen. I noticed they objected to anyone coming in at ports of this country along the Atlantic coast who could not read. It looked to me that these gentlemen were not quite so particular about reform when it affected "the home market."

This is their position: They voted in effect that a good, honest, strong, healthy German boy or girl, or Irishman, English boy or girl should not be permitted to land at Ellis Island or any port on the Atlantic coast unless they could read, but they refused to vote that the gates should be closed on the Canadian frontier against debarred classes. They refused to vote to keep out undesirable people at those places on the frontier by voting against my amendment establishing ports of entry on the Canadian frontier. They did not care if they came in by their borders whether they could read or not, whether they were insane or not, whether they were paupers or not, or whether they were anarchists. It has been claimed by responsible people that it would be impossible to get a bill finally passed that was not approved of by the New England railroads and the Canadian railroads and the Canadian steamship companies. It is claimed that this influence is so great and strong that the last time an immigration measure was taken up they had it modified before the bill was introduced and afterwards, so that every line suited them.

I insist that there should be no laws enforced or rules maintained at Philadelphia, Boston, Baltimore, New York, Ellis Island, or anywhere else along the Atlantic seaboard that are not enforced on the Canadian frontier. I do not think the Canadian lines should be exempt from laws and rules which other lines in any other part of the United States are forced to obey. It is an insult to the intelligence of every member in this House to have any other rule obtain. I for one will not sanction putting into effect any immigration laws at all that do not apply with equal force to all parts of the United States and to every port in the United States.

I can not understand how my friends the members from the New England States are so sensitive about this Canadian frontier business and the head tax, in view of the fact they voted unanimously for the educational-test amendment, which, by the way, does not even except citizens of Canada. Every citizen of Canada who comes over here will have to observe this law if it becomes a law, and it must become operative if it passes, and these citizens of Canada will have to go into the Government official's office and show their ability to read or go back home. I wish the gentlemen would explain their position in this matter. I should like to have them explain for the information of this House and the country at large how they voted for the educational test and, on the other hand, are so anxious that the railroad companies of



Canada shall not be responsible for the head tax and that there shall be no designated ports of entry on the frontier. The explanation would be undoubtedly entertaining if not instructive.

One New England gentleman said on the floor during this debate, and it is a matter of record:

I have been a collector of customs along the frontier for some years and had something to do with these matters. Nobody—

Said he, referring to the head tax—  
ever thinks of collecting the dollar.

Now, this gentleman was once, the record shows, governor of Maine. He is a gentleman of mature years, evidently an honest man, and certainly a man of intelligence, yet he did not know it was his duty, under the law, to attend to this business, and he says:

Nobody ever thinks of collecting the dollar.

Citizens living along the Canadian frontier never think of abiding by the contract-labor laws or the immigration laws; in fact these laws are a dead letter in that section. They have allowed each year over 70,000 aliens to come into the United States illegally for years past, and the only evidence we have, Mr. Chairman, that there has been any "thinking" going on about this immigration business is what has been manifested on the floor of this House since this bill has been under discussion, in the effort on the part of quite a number of these gentlemen to prevent the Committee on Immigration and Naturalization, with the sanction of the House, to place the Canadian frontier on an exact parity in the enforcement of the immigration laws with the rest of the United States.

Obstacle after obstacle has been presented; suggestion after suggestion has been made; query after query has been propounded, and some of our members have been in a state of almost nervous collapse for fear there might be something in the bill that would close the Canadian frontier against the entrance of objectionable and unobjectionable immigrants, and that laws would be enacted and enforced and applied the same exactly as to the Canadian frontier as obtain at all other points of the United States.

Now, Mr. Chairman, let me say in conclusion that the Secretary of the Treasury has full authority by a provision of this bill—the last part of section 1—to arrange with the steamship and railway lines for a satisfactory method of payment of the head tax. He is also authorized in the last part of this bill to prescribe rules for the entry and inspection of aliens entering at our borders in such a way as not to delay, impede, or annoy passengers in ordinary travel between the United States and other countries, and it gives him power to enter into contracts with foreign transportation lines for the same purpose. So it will be seen that there need be no apprehension that this act in any way will prove a hardship to anyone in any direction. The Secretary of the Treasury is fully authorized to make the enforcement of the law as agreeable as can be done and at the same time insure carrying out the intent of the law.

Now, Mr. Chairman, I want to say further, and I ask the indulgence of the House a moment. My good friend from Maine [Mr. POWERS], the ex-governor of Maine, out of the kindness of his heart the other day made a motion to include in the free list of the head tax the Cubans. I wanted then to explain why that could not be done, but those around me kept saying, "SHATTUC, let it go; SHATTUC, let it go; SHATTUC, let it go." I would not say one word here if it was possible to help the Cubans in the way indicated, but it is not possible. Mr. Chairman, I call for order.

The CHAIRMAN rapped for order.

Mr. SHATTUC. If these gentlemen around here do not want to hear this eloquent speech, they had better retire to the cloak-room, for I want to explain. [Laughter.] Now, the gentleman offered that, of course, in good faith. The tax of a dollar and a half, as it will be under this law, will not affect the rates at all between here and Cuba. It will be the same as now whether this Cuban clause stands in the bill or whether it does not.

[Here the hammer fell.]

Mr. SHATTUC. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be permitted to continue for two minutes. Is there objection?

There was no objection.

Mr. SHATTUC. It does not make any difference what is done about this matter, the rates remain the same, and the result will be that you are simply instructing our collectors in New York not to collect anything from the steamship companies, and the steamship companies will collect the same for passenger tickets as at present. Therefore I ask unanimous consent to strike out this part from the bill, which was introduced by the gentleman from Maine [Mr. POWERS], because it is inoperative.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to amend the bill by striking out certain words, which he

has referred to. Is there objection? [After a pause.] The Chair hears none, and the request will be granted.

Without objection, the pro forma amendment offered by the gentleman from Ohio will be withdrawn.

Mr. SHATTUC. Mr. Chairman, I also ask unanimous consent that we may be permitted to correct the numbers of the sections in the bill when it is passed.

The CHAIRMAN. The numbers of the sections will be corrected by the Clerk so that the text of the bill may conform thereto. The Clerk will read.

The Clerk read as follows:

SEC. 34. That the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or place subject to the jurisdiction thereof.

Mr. LANDIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to this section.

The CHAIRMAN. The gentleman from Indiana has offered an amendment.

Mr. MANN. But I understand that that is to be a separate section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "that," in line 11, the words "for the purposes of this act."

Mr. MANN. The section will then read, "That for the purposes of this act the words 'United States,' etc., shall be construed to be so and so."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

On page 23, line 13, after the word "or," amend by inserting the word "other."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to the section, the Clerk will report the amendment offered by the gentleman from Indiana, Mr. LANDIS.

The Clerk read as follows:

Add as an additional section after section 4 the following: That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Mr. WHEELER. Mr. Chairman, I desire to offer an amendment to the amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Add to the amendment offered by Mr. LANDIS the following: "And the collectors of revenue districts of the United States are hereby directed to refuse license to sell spirituous, vinous, and malt liquor by retail to any person living in a county or district where the inhabitants of said county or district have by vote prohibited the sale of such liquors in such county or district."

Mr. SHATTUC. Mr. Chairman, I raise the point of order on that amendment and on the other.

The CHAIRMAN. The Chair will state that it is too late to raise a point of order on the first amendment, an amendment having been offered to it. The gentleman from Ohio makes the point of order against the amendment to the amendment, offered by the gentleman from Kentucky [Mr. WHEELER].

Mr. SHATTUC. Then I withdraw the other point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment to the amendment, offered by the gentleman from Kentucky.

Mr. WHEELER. I desire to be heard on that.

The CHAIRMAN. The gentleman from Kentucky.

Mr. SHATTUC. I made the point of order on the amendment of the gentleman from Kentucky.

Mr. WHEELER. He withdrew his point of order and I have been recognized. I decline to yield to the gentleman.

The CHAIRMAN. The Chair understood that the point of order was made to the amendment to the amendment, offered by the gentleman from Kentucky, and that then the point of order made by the gentleman from Ohio was withdrawn.

Mr. WHEELER. And the Chair recognized me.

The CHAIRMAN. And that the amendment to the amendment is now pending.

Mr. SHATTUC. I did not withdraw my point of order to the amendment of the gentleman from Kentucky, but to the amendment offered by the gentleman from Indiana [Mr. LANDIS].

Mr. WHEELER. I insist on my rights, Mr. Chairman, and I

decline to yield the floor for the purpose of a point of order, or any other purpose.

The CHAIRMAN. The Chair must accept the statement of the gentleman from Ohio as correct. An amendment was offered by the gentleman from Indiana [Mr. LANDIS], inserting a new section. A point of order might then have been made to that. No point of order was raised. The gentleman from Kentucky [Mr. WHEELER] offered an amendment to the amendment. The gentleman from Ohio [Mr. SHATTUC] was then recognized, and raised a point of order against the amendment offered by the gentleman from Kentucky. He stated that he also raised a point of order to the amendment offered by the gentleman from Indiana [Mr. LANDIS]. The Chair stated that the point of order to the amendment offered by the gentleman from Indiana [Mr. LANDIS] came too late. The Chair then understood the gentleman from Ohio to say that he withdrew his other point of order, and the Chair so stated it, and recognized the gentleman from Kentucky [Mr. WHEELER] as in order to speak upon his amendment. The Chair now understands the gentleman from Ohio to state that he did not intend to withdraw the point of order made to the amendment of the gentleman from Kentucky, and the Chair must be governed by that statement. The point of order is made by the gentleman from Ohio against the amendment of the gentleman from Kentucky.

Mr. WHEELER. I desire to be heard on the point of order.

The CHAIRMAN. Will the gentleman from Ohio state his point of order?

Mr. SHATTUC. I should like to have the amendment read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Kentucky.

The amendment of Mr. WHEELER was again read.

Mr. SHATTUC. My point of order is that that amendment is not germane.

The CHAIRMAN. The gentleman from Ohio makes the point of order that the amendment is not germane to the amendment offered by the gentleman from Indiana. The gentleman from Kentucky is recognized to speak on the point of order.

Mr. WHEELER. Mr. Chairman, I scarcely deem it necessary to suggest to the chairman that while the amendment to the amendment may not be germane to the pending bill, it is certainly germane to the amendment offered by the gentleman from Indiana, against which no point of order has been made.

I desire to say, sir, that the amendment suggested by myself is offered in no captious spirit, but is the result of a sincere conviction that the Government of the United States ought not, and can not in justice to its own dignity, aid in the constant violation of the laws of the several States. It is a practice known to us all that in the various States of the Republic authority is given by the legislature to counties and communities to say whether or not liquors shall be sold at retail within certain districts.

It is also a fact, unfortunate but still true, that the average citizen of the Republic stands not so much in dread of the law of his State as he does of the Federal law, and that what has been vulgarly termed "blind tigers" are run with impunity in almost every State of the country, under the aegis of a license from the revenue collector of the district. If Congress would prohibit the issuing of licenses to parties living in districts where the inhabitants have declared that they do not desire liquor to be sold, it would tend to lessen, if it did not entirely destroy, the illegal sale of spirituous and vinous liquors. We are accomplishing but little when we prohibit the sale of liquors in this Capitol; but if there be a healthy temperance sentiment in this House, let us go to the root of the matter and prohibit the Federal Government from issuing licenses in districts where the people of the county or district have said they do not desire liquor to be sold.

Mr. KLEBERG. Will the gentleman yield for a question?

Mr. WHEELER. Yes.

Mr. KLEBERG. Do you not think that a law of this kind, taking away the revenue which the Government now derives from the sale of liquor, would simply result in a lot of "blind tigers" which would pay no license whatever to anybody?

Mr. WHEELER. On the contrary, this strikes a blow at the "blind tigers." It is for the purpose of preventing a man, when arraigned before a Federal court for a violation of the liquor law, protecting himself by exhibiting a license from the revenue collector of the district.

Mr. KLUTTZ. I did not quite catch the gentleman's amendment. Does it prohibit a license to manufacture as well as to sell?

Mr. WHEELER. No; it is not intended to interfere with the manufacture of liquor. It is not intended to interfere with the wholesaler. It is not intended to interfere with anyone who does a legitimate business; but it is intended to prohibit men living in districts where prohibition has been voted from going to the revenue collector of the district and securing a Federal license so as to protect him against prosecution in the Federal courts.

Mr. McRAE. Will my friend allow me to ask why he makes any distinction between the manufacture and the sale? I agree with you that some legislation of this kind ought to be passed; but I think it ought to go to the manufacture as well as the sale.

Mr. WHEELER. I have no right to offer such an amendment. Now, where the party is licensed by the State this amendment does not apply. If it is manufactured—

Mr. McRAE. That is what I am talking about, that in the prohibited districts we should prohibit the manufacture of whisky.

Mr. WHEELER. I would vote for such a measure if it were within my ability to secure its adoption in this body. But I believe that the members of this House will see—

Mr. SHATTUC. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHATTUC. What is the question before the House?

The CHAIRMAN. The point of order raised by the gentleman from Ohio on the amendment offered by the gentleman from Kentucky.

Mr. SHATTUC. I would like to hear the gentleman, because he is a splendid man; but I have my duty to perform, and therefore I raise the point of order that he is not speaking germane.

Mr. WHEELER. I submit with all courtesy that the Chair is judge of whether or not my remarks are pertinent.

The CHAIRMAN. The Chair would be glad to hear from the gentleman on the point of order.

Mr. WHEELER. I am attempting, feebly it is true, but to the best of my ability, to explain the purpose of this amendment, and to see if it is germane. Now, I say to the gentleman from Arkansas that if the manufacturer had a license from the State this amendment would not apply; but it is intended to prohibit a man who desires to violate the State law from receiving a license from the collector. I do not think the Government ought to disregard the local statutes of the States.

Mr. McRAE. They should not do that; and they should not authorize a distillery to be set up in one of those prohibited districts, because it is from the distilleries that youth is debauched.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILEY. I move that the gentleman be allowed five minutes more.

Mr. SHATTUC. I will not object to the gentleman's time being extended at this time, but hereafter I shall object, as I want to get through with this bill.

The CHAIRMAN. The only question now pending is the point of order.

Mr. WHEELER. If the Chair will pardon me, I have been under the impression that there was no limitation upon a gentleman discussing a point of order. Now, Mr. Chairman, I have said about all I care to say. I simply desire—

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. WHEELER. Certainly.

Mr. WILLIAMS of Mississippi. I understand the purpose of your resolution merely to be this: To enable the States to execute their police regulations without interference upon the part of the Federal Government.

Mr. WHEELER. That is exactly the purpose of this amendment. And I have resorted to this method, Mr. Chairman, because in the Fifty-fifth Congress I introduced a bill embodying this idea and it found the same resting place where so many similar measures repose now.

Now, just a moment, in reply to something said by the gentleman from Missouri a while ago, that there are many times upon the floor of this House members of Congress who are disposed to drink and to have a good time generally. In justice to the present membership of this House and this Congress, and those Congresses in which I have served, I desire to say, without any purpose of advancing my own political or selfish ends, for I have voluntarily eschewed this life, I do not believe within the limits of the Republic 357 men can be found who from year to year and day to day, surrounded by the temptations that beset the average legislator in this Capitol, live more correctly than the average membership of the Houses of Congress.

I assert, sir, without fear of successful contradiction, there is no more temperate body of men within the limit of the Republic than the members of the lower House of Congress. I could enumerate on that hand the number of members I have seen under the influence of drink in the six years that I have been here. I think it is unjust to the gentlemen here and it is unjust to the American people and it is unbecoming the dignity of this great body for gentlemen to give to the country the idea that the members of this House are guilty of drinking or any other habit that will detract from their great place and high character. I do not believe it is becoming in us to say so; and for my part, as an American citizen—not as a member of Congress—I feel it my duty to pay a just tribute to the high character, morally and



intellectually, of this House upon both sides of the Chamber. [Loud applause.]

The CHAIRMAN. The Chair is prepared to rule upon the point of order made by the gentleman from Ohio to the amendment offered by the gentleman from Kentucky to the amendment proposed by the gentleman from Indiana. The amendment offered by the gentleman from Indiana provides that no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States. It will be observed that this amendment is not a general provision prohibiting or restricting the sale of intoxicating liquors on all Government property or in all Government buildings, but is simply a prohibition against the sale of intoxicating liquors in one building, and any amendment restraining the sale of liquor in any other building or any other locality controlled by the Government would not be in order under the rule. The amendment offered by the gentleman from Kentucky also affects matters relating to the revenues, and would be original matter which would go to the committee dealing with matters relating to revenue. The Chair feels very clearly, therefore, that the amendment is not germane to the amendment offered by the gentleman from Indiana, and sustains the point of order made by the gentleman from Ohio.

Mr. WHEELER. With great respect for the Chair's ruling, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kentucky appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. WHEELER) there were 102 ayes and 16 noes.

So the decision of the Chair was sustained.

Mr. BARTHOLDT. Mr. Chairman, I now desire to make the point of order against the amendment offered by the gentleman from Indiana. The committee had not entered upon the discussion of the amendment offered by the gentleman from Indiana, and therefore it is now in order to make the point of order upon it.

The CHAIRMAN. The gentleman from Missouri makes the point of order that the point of order to the amendment offered by the gentleman from Indiana can now be made. The amendment offered by the gentleman from Indiana was pending and no gentleman of the committee addressed the Chair, and the Chair recognized the gentleman from Kentucky, who offered an amendment to the amendment. It has been uniformly held that under the rule a point of order can not be made after an amendment has been considered, and an amendment offered to an amendment is consideration of the pending amendment. There seems to be no exception to these precedents, and the Chair would hold that the amendment having been offered by the gentleman from Kentucky to the amendment offered by the gentleman from Indiana, it would now be too late to raise the point of order.

Mr. BARTHOLDT. Mr. Chairman, there was no time after the gentleman from Indiana took his seat between that moment and the time when the gentleman from Kentucky was recognized to make the amendment. There were three or four gentlemen ready and willing to make that point, but before it could be made the gentleman from Kentucky was recognized to offer his amendment.

Mr. HAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. Does the gentleman from Missouri appeal from the decision of the Chair?

The CHAIRMAN. The Chair was waiting to hear the statement made by the gentleman from Missouri. The Chair does not know what the conclusion of his position will be.

Mr. BARTHOLDT. I do not know, Mr. Chairman, whether a second point of order is in order, but I submit to the consideration of the Chair that there was not time intervening for gentlemen on this side to make the point of order. The gentleman from Kentucky rose in his seat and said he had an amendment to the amendment of the gentleman from Indiana, and he was immediately recognized, and therefore it was perfectly impossible for any member to make the point of order.

The CHAIRMAN. In reply the Chair will state that during the entire consideration of this bill whenever an amendment has been offered he has been ready to recognize the chairman of the committee having the bill in charge or any member of the committee, several of whom are sitting by him, or any member of the House. The Chair has been especially careful in that direction, and, as members know, various points of order have been raised, and raised abundantly, by the chairman of the committee. When the amendment offered by the gentleman from Indiana was read, the Chair was ready to recognize the gentleman from Ohio and looked in the direction of that gentleman, but no one rose connected with the committee, and the gentleman from Kentucky rose and addressed the Chair. The Chair did not know but that the gentleman from Kentucky proposed to raise the point of order.

In view of the way in which the amendment was offered, the Chair feels that a point of order would not lie against the amendment offered by the gentleman from Indiana. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. WACHTER) there were 108 ayes and 19 noes.

So the amendment was agreed to.

Mr. PATTERSON of Tennessee. Mr. Chairman, is an amendment in order to the new section just adopted, offered by the gentleman from Indiana?

The CHAIRMAN. The Chair will state that that would depend on the nature of the amendment.

Mr. PATTERSON of Tennessee. I offer the following amendment.

The Clerk read as follows:

Add thereto "or on any part of the grounds on which the Capitol building is located, or in any public building owned or used by the United States Government."

Mr. MANN. I raise the point of order against that, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. MANN. The amendment offered by the gentleman from Indiana relates only to the Capitol building, and for that reason it was held in order. This proposed amendment says no building owned or used by the United States Government. So the amendment is not germane to the bill, nor is it germane to the amendment offered by the gentleman from Indiana.

The CHAIRMAN. Does the gentleman from Tennessee wish to be heard on the point of order?

Mr. PATTERSON of Tennessee. I want to say, Mr. Chairman, that I think this amendment is germane. The amendment offered by the gentleman from Indiana refers to one building and this amendment would cover other Government buildings. It is simply extending the provision of the law and in the line of the original provision. There is no question of revenue involved in this.

Mr. MANN. I ask the attention of the Chair to the further point of order, that this amendment can not now be offered because the section to which it is offered has already been adopted by the Committee of the Whole.

The CHAIRMAN. The Chair thinks that the first point of order made by the gentleman from Illinois [Mr. MANN], that the amendment is not germane must, in the opinion of the Chair, hold. This amendment relates to other localities not alluded to in the amendment offered by the gentleman from Indiana; and in accordance with the precedent established in similar cases, that an amendment relating to one specific object does not admit of amendments relating to other and different objects, even of the same general character, the point of order must be sustained.

Mr. PATTERSON of Tennessee. I appeal from the decision of the Chair.

The question being taken, Shall the decision of the Chair stand as the judgment of the committee, it was decided in the affirmative.

Mr. COOMBS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "repealed" in line 16, page 23, insert the following: "Provided, That this act shall not be construed to repeal or in any wise interfere with the administration of laws relating to the immigration or exclusion of Chinese or persons of Chinese descent; nor shall this act relate to said Chinese."

Mr. SHATTUC. I make a point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order. Mr. SHATTUC. The amendment is not germane to anything in this bill. There is nothing in this bill at all about the Chinese.

The CHAIRMAN. Does the gentleman from California [Mr. COOMBS] desire to discuss the point of order?

Mr. COOMBS. I will simply say that inasmuch as, according to the statement of the gentleman from Ohio, there is nothing in this bill pertaining to the Chinese, this amendment simply affirms that proposition and proposes to keep out of the bill everything relating to the Chinese question. Assuming that the Chinese question has been legislated upon in this Congress and in 1891—

The CHAIRMAN. The gentleman from California will confine himself to the question of order.

Mr. COOMBS. Confining myself to the point of order, let me say that this is proposed as an amendment to section 35, which provides that "all acts or parts of acts inconsistent with this act are hereby repealed." The effect of this amendment is that if it should hereafter be construed that the Chinese-exclusion act is inconsistent with this act, it shall not for that reason be repealed. I think that is the only question involved. I submit that the amendment is pertinent.

Mr. SHATTUC rose.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair this amendment, which proposes to restrict the general provisions of section 35, is clearly germane and in order. The point of order is overruled. The question is on agreeing to the amendment.

Mr. SHATTUC. Mr. Chairman, there is a very serious question presented by this amendment. This bill contains provisions much more restrictive in their operation than those contained in the Chinese-exclusion act. For instance, in that act there is nothing preventing the introduction into this country of persons afflicted with smallpox or any contagious disease. This is the only law which will prevent the entrance into the country of Chinese persons who may become a public charge or who, being diseased, are liable to communicate disease to our own citizens. Therefore, I submit, the provisions of this bill ought not to be narrowed in their operation by such an amendment as that now submitted.

This bill as drawn has been carefully guarded. I very well understand who are the parties that have inspired this proposition. I do not charge anything improper upon the gentleman who offers the amendment; but there are certain transportation lines that have been moving heaven and earth in order to get just such legislation introduced into this bill. The adoption of the amendment will have the effect for which they have been working. I submit that it ought not by any means to be adopted.

Mr. ADAMS. Mr. Chairman, I should like to emphasize to this Committee of the Whole the words that have just been spoken by the chairman of our committee [Mr. SHATTUC]. The bill which we have been considering is designed in its main features to restrict immigration to this country. But there is another feature of the bill that is much more important to the people who are already in this country—to the great body of our citizens. I refer to the restrictions which are included in this bill for preventing the introduction of disease into this country. There are no such provisions in the Chinese-exclusion act. That act was designed simply to prevent the introduction of cheap labor into this country to compete with our own working people. But the present bill includes sanitary provisions, every one of which, so far as they relate to the incoming of Chinese, will be nullified by the adoption of the amendment proposed by the gentleman from California. As is very well known doubtless to every member of the House, this danger is much more serious as connected with the immigration of Chinese than as to any other race that may enter our country. Therefore I most seriously ask the House to vote down this amendment.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS. Yes.

Mr. PAYNE. If this amendment was divided and the last clause of it stricken out, I would ask whether it would in any way interfere with the operation of the bill in regard to the particulars of which the gentleman has spoken?

Mr. TAWNEY. Move to amend by striking out the last clause, "nor shall this act relate to said Chinese."

Mr. PAYNE. If that was stricken out I do not think it would relate to the question of disease.

Mr. ADAMS. Why not?

Mr. PAYNE. Because, from the reading of the amendment, the other portion of it simply restricts the repeal so as not to repeal the Chinese law, and of course the gentleman has no objection to that.

Mr. ADAMS. No.

Mr. PAYNE. I think if this amendment were read again and the gentleman paid attention he would find that if the last clause was stricken out—and of course the amendment is divisible—that it would correct the defect that he speaks of, which is a very serious one.

Mr. ADAMS. Of course, Mr. Chairman, it is most difficult to discuss an amendment offered offhand to a bill which has been carefully prepared and to take in the full meaning of the amendment as it is read from the desk. I ask that the amendment be read again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. ADAMS. Then, Mr. Chairman, I move to amend that amendment by striking out the last clause.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out of the amendment the words "nor shall this act relate to said Chinese."

Mr. COOMBS. Mr. Chairman, I will say this, that I put those words in the present amendment for the simple reason that they have been in the existing immigration laws since 1891. In the

amendment of 1891 they were put in; in the amendment of 1893 they were put in, and it was with the idea of perpetuating the existing law in that respect that they were incorporated at this time. I have no objection to the striking of them out at all.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SHATTUC. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHATTUC. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Unless a separate vote is ordered on any amendment, the Chair will submit them in gross to the House. [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SHATTUC, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

- S. 5500. An act granting an increase of pension to Angus Cameron;
  - S. 4718. An act granting an increase of pension to Sarah A. Whitcomb;
  - S. 1981. An act granting a pension to Thomas Hannah;
  - S. 484. An act granting an increase of pension to Fletcher J. Walker;
  - S. 5748. An act granting an increase of pension to Thomas D. Utler;
  - S. 5741. An act granting a pension to Mrs. William H. Kendrick;
  - S. 5856. An act granting an increase of pension to Elizabeth A. Turner;
  - S. 5263. An act granting a pension to Fannie Frost;
  - S. 4190. An act granting a pension to Frederika Seymore;
  - S. 2265. An act granting an increase of pension to William Kelley;
  - S. 5648. An act granting an increase of pension to Frederick Bulkley;
  - S. 2051. An act granting an increase of pension to H. W. Tryon;
  - S. 5924. An act granting an increase of pension to Edwin Young;
  - S. 1132. An act granting a pension to R. Sherman Langworthy;
  - S. 7. An act granting an increase of pension to William H. Thomas;
  - S. 4401. An act granting an increase of pension to Frederick Kropf; and
  - S. 1343. An act to correct the military record of Samuel F. Hall.
- The message also announced that the Senate had passed without amendment bills of the following titles:
- H. R. 6037. An act granting an increase of pension to William C. Holcomb;
  - H. R. 8134. An act granting an increase of pension to James H. Dunn;
  - H. R. 13211. An act granting a pension to Melissa Burton;
  - H. R. 9695. An act granting an increase of pension to Evaline Jenkins;
  - H. R. 5475. An act granting a pension to August Schill;
  - H. R. 12428. An act granting an increase of pension to Elizabeth G. Getty;
  - H. R. 2286. An act granting an increase of pension to Mary Etna Poole;



H. R. 7560. An act granting an increase of pension to George W. Butler;  
 H. R. 11288. An act granting an increase of pension to William E. Ball;  
 H. R. 9794. An act granting a pension to Zebulon A. Shipman;  
 H. R. 6718. An act granting an increase of pension to Andrew R. Jones;  
 H. R. 5551. An act granting an increase of pension to Charles Edward Price Lance, alias Edward Price;  
 H. R. 2289. An act granting an increase of pension to Pitzar Ingram;  
 H. R. 2623. An act granting an increase of pension to John Smith;  
 H. R. 5248. An act granting a pension to Frances A. Tillotson;  
 H. R. 13168. An act to establish an additional life-saving station on Monomoy Island, Mass.;  
 H. R. 11124. An act granting an increase of pension to Mary Scott;  
 H. R. 13614. An act granting an increase of pension to William H. White;  
 H. R. 4542. An act granting a pension to Eliza J. West;  
 H. R. 13037. An act granting an increase of pension to Frances W. Anderton;  
 H. R. 12983. An act granting an increase of pension to Eleanor Emerson;  
 H. R. 9833. An act granting an increase of pension to Margaret McCuen;  
 H. R. 12422. An act granting an increase of pension to David Topper;  
 H. R. 8487. An act granting an increase of pension to John M. Crist; and  
 H. R. 12779. An act granting an increase of pension to George Chamberlin.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4927) granting an increase of pension to Hattie M. Whitney, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 7319. An act granting an increase of pension to Frances H. Anthony;  
 H. R. 2901. An act to remove the charge of desertion borne opposite the name of Abram Williams;  
 H. R. 357. An act for the relief of Levi Maxted; and  
 H. R. 11249. An act granting an increase of pension to Katharine Rains Paul.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1464) to establish storm-warning stations at South Manitou Island, Lake Michigan.

The message also announced that the Senate had passed without amendment the following resolution:

*Resolved by the House of Representatives (the Senate concurring).* That the Committee on Enrolled Bills, in the enrollment of the bill (H. R. 13359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, are hereby authorized to strike out the word "forty" from line 24, page 43, and insert in lieu thereof the word "thirty-seven."

The message also announced that the Senate had passed the following resolution:

*Resolved.* That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4995) to establish an additional life-saving station on Monomoy Island, Massachusetts.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 44.

*Resolved by the Senate (the House of Representatives concurring).* That a committee consisting of three Senators be appointed by the Presiding Officer of the Senate to meet with a committee of like number to be appointed by the House of Representatives, to confer upon the matter of the message of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1903."

And that in compliance with the foregoing the Presiding Officer had appointed, as said committee on the part of the Senate, Mr. SPOONER, Mr. PROCTOR, and Mr. PETTUS.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, presented a conference report on the bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which, with the ac-

companying statement, were ordered to be printed in the RECORD, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 9, 11, 19, 20, and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 8, 12, 13, 14, 15, 16, 18, 21, 22, 23, and 25; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "To enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interests of the Government to purchase all land on Cushing's Island, Portland Harbor, Maine, necessary to be used to erect additional batteries, and for buildings for the troops, \$225,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended until a valid title to said land and property shall have been acquired by the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In line 2 of said amendment strike out the word "bill" and insert in lieu thereof the word "act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "States," insert the following: "except the contract of November 7, 1891, for 100 8, 10, and 12 inch guns."

In line 8 strike out the words "security in proper" and insert in lieu thereof the words "good security in same."

And in line 10 strike out the words "according to the true intent and meaning thereof."

And the Senate agree to the same.

J. A. HEMENWAY,  
 LUCIUS N. LITTAUER,  
 THOS. C. MCRAE,  
*Managers on the part of the House.*  
 GEO. C. PERKINS,  
 F. E. WARREN,  
 B. R. TILLMAN,  
*Managers on the part of the Senate.*

The report was agreed to.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13359) making appropriations for fortifications, etc., submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report on each of said amendments, namely:

On No. 1: Appropriates \$325,000, as proposed by the House, instead of \$500,000, as proposed by the Senate, for installation of range and position finders.

On No. 2: Appropriates \$150,000, as proposed by the House, instead of \$300,000, as proposed by the Senate, for purchase and installation of search-lights.

On No. 3: Appropriates \$225,000, as proposed by the Senate, to enable the Secretary of War, in his discretion, and if in his judgment it will be for the best interest of the Government to purchase the land on Cushing's Island, Portland Harbor, Maine, necessary to be used for additional batteries and buildings for troops.

On No. 4: Appropriates \$300,000, as proposed by the Senate, instead of \$150,000, as proposed by the House, for protection, preservation, and repair of fortifications.

On No. 5: Grants to the State of Connecticut, as proposed by the Senate, the right to occupy for purposes of a park a tract of land situated on the east shore of New London Harbor, Connecticut.

On No. 6: Appropriates \$100,000, as proposed by the House, instead of \$150,000, as proposed by the Senate, for construction of sea walls and embankments.

On No. 7: Divides the proposed appropriation for submarine mines between the Engineer Department and the Artillery Corps, as proposed by the Senate.

On No. 8: Appropriates \$165,000, as proposed by the Senate, instead of \$46,500, as proposed by the House, for the purchase of steel forgings for coast-defense guns.

On No. 9: Appropriates \$250,000, as proposed by the House, instead of \$406,000, as proposed by the Senate, for carriages for mounting seacoast guns.

On No. 10: Provides, as proposed by the Senate, for the further test of disappearing gun carriages.

On No. 11: Appropriates \$100,000, as proposed by the House, instead of \$170,000, as proposed by the Senate, for range finders.

On No. 12: Appropriates \$82,000, as proposed by the Senate, for mountain guns.

On amendments 13, 14, 15, and 16 strikes out, as proposed by the Senate, restriction as to the calibers of breech-loading rifles, siege, and breech-loading howitzers, siege, and carriages therefor.

On No. 17: Authorizes, as proposed by the Senate, the obligation of certain contracts made with the Bethlehem Iron Company to be assumed by its successor, the Bethlehem Steel Company.

On No. 18: Authorizes, as proposed by the Senate, the Secretary of War to accept the proposition of the Pneumatic Gun Carriage and Power Company for settlement of its contract to furnish a 10-inch disappearing gun carriage.

On Nos. 19 and 20: Appropriates \$37,000, as proposed by the House, instead of \$43,926, as proposed by the Senate, for current expenses at the proving ground at Sandy Hook, and strikes out the provision proposed by the Senate authorizing the employment of services in the Ordnance Bureau.

On No. 21: Appropriates \$75,000, as proposed by the Senate, for sea wall at Sandy Hook.

On Nos. 22 and 23: Appropriates, as proposed by the Senate, \$58,000 for power plant for artillery ammunition factory, and \$23,000 for a box-making and packing shop at the Frankford Arsenal, Pa.

On No. 24: Strikes out the appropriation of \$4,000, as proposed by the Senate, for additional battery of two boilers at the Watertown Arsenal, Mass.

On No. 25: Strikes out the provision proposed by the House authorizing payment on account of Isham shell and Tuttle thorite.

The bill, as finally agreed upon, appropriates \$7,298,955, being \$612,526 less

than as it passed the Senate, \$736,500 more than as it passed the House, \$65,056 less than the last law, and \$9,100,353 less than the estimates.

J. A. HEMENWAY,  
L. N. LITTAUER,  
THOS. C. MCRAE,

*Managers on the part of the House.*

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 14589. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903;

H. J. Res. 172. Joint resolution authorizing the Secretary of War to loan to the Morgan Memorial Association, of Winchester, Va., certain Revolutionary trophies at Allegheny Arsenal, Pittsburgh, Pa.;

H. J. Res. 113. Joint resolution authorizing the use and improvement of Governors Island, Boston Harbor;

H. R. 13895. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903;

H. R. 2857. An act granting an increase of pension to Frances C. Haughton;

H. R. 12418. An act granting a pension to Matilda C. Clarke;

H. R. 10782. An act granting a pension to Ole Steensland;

H. R. 6625. An act granting increase of pension to Mary S. Downing;

H. R. 1346. An act granting a pension to Adelbert L. Orr;

H. R. 10995. An act to regulate the introduction of eggs of game birds for propagation;

H. R. 9606. An act granting a pension to Charles Blitz;

H. R. 7397. An act granting a pension to Louisa White;

H. R. 989. An act to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of \$1,704.46;

H. R. 13395. An act granting a pension to Arthur J. Bushnell;

H. R. 10144. An act to donate to the State of Alabama the spars of the captured battle ships Don Juan d'Austria and Almirante Oquendo; and

H. R. 6330. An act granting an increase of pension to William D. Tanner.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2168. An act granting an increase of pension to Charles O. Baldwin;

S. 712. An act granting an increase of pension to John Hou-siaux;

S. 1797. An act granting an increase of pension to Benjamin Russell;

S. 2511. An act granting an increase of pension to William Phillips;

S. 1464. An act to establish storm-warning stations at South Manitou Island, Lake Michigan;

S. 2535. An act granting an increase of pension to Annie E. Joseph;

S. 3063. An act granting an increase of pension to Henry J. Edge, alias Jason Edge;

S. 2697. An act granting an increase of pension to Sarah F. Baldwin;

S. 2457. An act granting an increase of pension to Warren Y. Merchant;

S. 2551. An act granting a pension to Amelia Engel;

S. 3888. An act granting an increase of pension to Jesse H. Hubbard;

S. 3998. An act granting an increase of pension to Emma L. Kimble;

S. 4240. An act granting an increase of pension to Calvin N. Perkins;

S. 4642. An act granting an increase of pension to Anne Dow-ery;

S. 4415. An act granting an increase of pension to Vesta A. Brown;

S. 4638. An act granting a pension to Helena Sudsbury;

S. 3551. An act granting an increase of pension to John P. Col-lier;

S. 5669. An act granting a pension to Charlotte M. Howe;

S. 5759. An act granting an increase of pension to Charles T. Crooker;

S. 5670. An act granting a pension to Samuel H. Chamberlin;

S. 4729. An act granting an increase of pension to Daniel A. Hall, alias William Knapp;

S. 4712. An act granting an increase of pension to Eliphlet Noyes;

S. 4706. An act granting an increase of pension to William Harrington;

S. 4655. An act granting an increase of pension to Oliver K. Wyman;

S. 4766. An act granting an increase of pension to James P. McClure;

S. 4759. An act granting an increase of pension to Martha Clark;

S. 4758. An act granting an increase of pension to Mary L. Doane;

S. 4732. An act granting an increase of pension to Charles H. Hazzard;

S. 4730. An act granting an increase of pension to George W. Youngs;

S. 5106. An act granting an increase of pension to Horace L. Richardson;

S. 4983. An act granting a pension to John W. Smoot;

S. 4853. An act granting an increase of pension to Amos Moul-ton;

S. 4871. An act granting an increase of pension to Helen M. Worthen;

S. 4862. An act granting an increase of pension to James Welch;

S. 4829. An act granting an increase of pension to Nimrod Headington;

S. 4790. An act granting an increase of pension to Stephen A. Seavey;

S. 5371. An act granting an increase of pension to Jonathan O. Thompson;

S. 5209. An act granting an increase of pension to Hannah A. Van Eaton;

S. 5202. An act granting an increase of pension Jennie M. Wagner;

S. 5153. An act granting an increase of pension to Eri W. Pink-ham;

S. 5152. An act granting an increase of pension to Marcellus M. M. Martin, alias Marion M. Martin; and

S. 1038. An act granting an increase of pension to Gustavus C. Pratt.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1343. An act to correct the military record of Samuel F. Hall—to the Committee on Military Affairs.

S. 7. An act granting an increase of pension to William H. Thomas—to the Committee on Invalid Pensions.

S. 484. An act granting an increase of pension to Fletcher J. Walker—to the Committee on Invalid Pensions.

S. 1132. An act granting an increase of pension to R. Sherman Langworthy—to the Committee on Invalid Pensions.

S. 1981. An act granting an increase of pension to Thomas Han-nah—to the Committee on Invalid Pensions.

S. 2051. An act granting an increase of pension to Henry W. Tryon—to the Committee on Invalid Pensions.

S. 2265. An act granting an increase of pension to William Kel-ley—to the Committee on Invalid Pensions.

S. 4401. An act granting an increase of pension to Frederick Kropf—to the Committee on Invalid Pensions.

S. 4718. An act granting an increase of pension to Sarah A. Whitcomb—to the Committee on Invalid Pensions.

S. 5263. An act granting a pension to Fannie Frost—to the Committee on Invalid Pensions.

S. 5500. An act granting an increase of pension to Angus Cam-eron—to the Committee on Invalid Pensions.

S. 5648. An act granting an increase of pension to Frederick Bulkley—to the Committee on Invalid Pensions.

S. 5741. An act granting a pension to Martha E. Kendrick—to the Committee on Pensions.

S. 5748. An act granting an increase of pension to Thomas D. Utter—to the Committee on Invalid Pensions.

S. 5856. An act granting an increase of pension to Elizabeth A. Turner—to the Committee on Pensions.

S. 5924. An act granting an increase of pension to Edwin Young—to the Committee on Invalid Pensions.

#### RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following communi-cation from the Senate:

*Resolved*, That the Secretary be instructed to request the House of Repre-sentatives to return to the Senate the bill (S. 4985) to establish an additional life-saving station at Monomoy Island, Massachusetts.

The SPEAKER. If there be no objection, this request will be granted.

There was no objection.

#### SUBSIDIARY SILVER COINAGE.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania submits a report from the Committee on Rules, which will be read by the Clerk.



The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House numbered 178, have had the same under consideration, and report the following in lieu thereof:

*Resolved*, That immediately after the adoption of this resolution, the House shall resolve itself into Committee of the Whole House on the state of the Union, for the consideration of the bill (H. R. 12704) to increase the subsidiary silver coinage, and after two hours of general debate the bill shall be read by paragraphs for amendment, and upon the conclusion of said reading the Committee of the Whole shall rise and report the bill with amendments, if any, to the House: *Provided*, That the motion to go into the Committee of the Whole House to consider the said bill shall continue privileged each day until said bill is disposed of, not, however, to interfere with revenue or appropriation bills or conference reports.

Mr. DALZELL. Mr. Speaker, the bill referred to in the rule is a short bill, consisting of a single paragraph, providing for the coinage of the silver in the Treasury into subsidiary coin. The necessity for the bill will appear from a short extract which I will read from a letter of the Director of the Mint, submitted to the Committee on Coinage, Weights, and Measures. He says:

The facts of the situation briefly stated are that prior to the passage of the act of March 14, 1900, the total stock of subsidiary coin in the country was limited to \$80,000,000, and by that act the limit was raised to \$100,000,000. The demand for subsidiary coin during the past two years has been very heavy, and the total stock in the country is now nearly \$82,000,000, almost all of which is outside the Treasury in active circulation.

It seems quite probable that unless this Congress takes some action to again raise the limit the entire amount authorized will be absorbed before another Congress can act, and the Treasury will be unable to meet the legitimate wants of trade. It is, therefore, of urgent importance that some measure be passed by the Fifty-seventh Congress, and, if practicable, during the present session, to relieve the situation.

That is the opinion of the Director of the Mint as to the necessity for the passage of the bill referred to in the rule. The rule provides for a general debate limited to two hours, and then for consideration of the bill under the five-minute rule until disposed of.

Mr. UNDERWOOD. Mr. Speaker, I will ask my colleague on the committee to yield to me ten minutes, as I desire to yield to the gentleman from Colorado [Mr. SHAFROTH].

Mr. DALZELL. I yield to the gentleman from Alabama.

Mr. SHAFROTH. I will ask the gentleman whether he will not consent to allow this matter to go over until to-morrow morning.

Mr. DALZELL. I prefer not. I should like to have the rule adopted to-night, so that we can start in with the consideration of the bill to-morrow morning.

Mr. SHAFROTH. I want the full twenty minutes that we are entitled to on our side.

Mr. DALZELL. So far as that is concerned, of course I can now move the previous question and shut off debate, which I do not desire to do. I yield to the gentleman fifteen minutes.

Mr. UNDERWOOD. I yield the time to the gentleman from Colorado.

Mr. DALZELL. I understand that is in lieu of what I have already yielded.

Mr. UNDERWOOD. I desire to yield the time to the gentleman from Colorado.

Mr. SHAFROTH. Mr. Speaker, the bill sought to be considered proposes to stop the coinage of silver dollars now authorized by law, which coinage was authorized by the Sherman Act, and authorized again by the war-revenue act, adopted in 1898, and again authorized by the gold-standard act, approved March 14, 1900. It proposes to take the entire bullion that is in the Treasury and coin it into subsidiary coin. It then proposes to take the silver dollars and melt them down for subsidiary coin, in the discretion of the Secretary of the Treasury. The bullion in the Treasury was purchased for the purpose of being coined into silver dollars, and was paid for in notes issued by the Government, called Treasury notes, which notes were to be retired by the silver dollars as fast as coined.

Mr. Speaker, there are two grounds upon which I oppose the consideration of this bill. In the first place, there is no necessity for the measure. There is no occasion for any legislation whatever relative to subsidiary coinage.

Two years ago we enacted a law relative to this subject, which it was presumed would supply all the subsidiary coins needed for years. Previous to that time for twenty years the subsidiary coins of the United States had been equivalent to \$80,000,000. The gold-standard act approved March 14, 1900, raised that amount \$20,000,000, or to a total of \$100,000,000. Previous to that time there never had been in circulation subsidiary coin amounting per capita to more than \$1, and the average had been 89 cents. This additional \$20,000,000 is sufficient for the needs of the people for at least fifteen years to come. Mr. Speaker, the conclusive evidence of that fact is the Treasury report which every member received this morning at his house. He will find upon examining that report that there is a redundancy of subsidiary coin in the Treasury. It seems impossible for the Treasury to put in circulation all of the subsidiary coin now issued.

We find from this morning's report that \$12,793,284 are now in the Treasury, notwithstanding the fact there is a law on the stat-

ute book which provides that the Government shall pay the expense of shipping subsidiary silver to any part of the United States. It is true that before the adoption of the act which raised the limit to \$100,000,000 the amount of subsidiary coin in the Treasury sank to \$2,500,000 or \$3,000,000, but since the twenty millions were authorized it has been climbing higher and higher, until to-day it is over \$12,700,000. That same report shows that there has been issued \$456,145,000 of silver certificates, of which only \$7,152,837 are in the Treasury. Showing a redundancy of subsidiary coin and a shortage of silver certificates. In the last four years there has been an increase of \$30,000,000 in \$1 and \$2 silver certificates, which has further relieved the necessity for more subsidiary coin, as such certificates form a large part of our change money.

Mr. Speaker, there is no occasion, consequently, to coin more subsidiary coin. The intention of this bill is expressed by the gentleman in his report when he says it is a slow process by which to eliminate and destroy the silver dollar as money. All of the twenty millions of subsidiary money which was authorized by the act of last Congress has not yet been coined. There are still \$5,000,000 uncoined; and what is the necessity of enacting more legislation with respect to subsidiary coin when the amount authorized by the act of March 14, 1900, has not yet been issued and \$5,000,000 is yet to be coined?

But, Mr. Speaker, there is another reason why this bill should not be considered, which is more potent to my mind than the one which I have given. Gentlemen of this House remember that in the last Congress we passed an act called the gold-standard act. The gentlemen remember that they had a clause in that bill which was like this, providing that the silver dollar should no longer be coined. Gentlemen will remember that the Senate of the United States was then so constituted that no such legislation could be enacted by that body.

The gentlemen knew there were certain persons there who opposed the retirement of the silver dollars or the stoppage of their coinage. The gentlemen well remember that the Committee on Finance of the Senate was so constituted at that time that it was impossible even to get a favorable report of that committee indorsing such a measure. Consequently it was necessary that a compromise should be made with reference to the matter. There were certain Senators there who were termed "silver Senators," who were willing to vote for the bill if the coinage of the silver dollars from the bullion in the Treasury was continued, and their votes could not be obtained until it was so provided and until it was further provided that the Treasury notes issued for the payment of the bullion purchased under the Sherman Act should be retired by the issuing of silver dollars in place thereof. They produced a bill that provided for the continuation of the coinage of the silver dollars until the Treasury notes were retired by the silver dollars so coined.

That was compromise legislation. They said, in other words, that we will give you the provisions of your bill. We will make the United States notes termed greenbacks payable in gold at the option of the holder; we will increase the gold reserve to \$150,000,000; we will make Treasury notes directly redeemable in gold; we will give you the privilege of issuing a gold bond instead of a bond payable in coin; we will give you certain privileges in regard to national banks and in regard to the issuing of money by them, provided you give us the privilege of having this silver bullion that was purchased under the Sherman Act coined into silver dollars.

Mr. Speaker, that was the arrangement and that was the compromise. Is it right, is it fair, is it just, after having obtained all of your side of the consideration of the agreement, before the time has elapsed, when the fulfillment of your part of the agreement could be made, that you repeal the provision and enact a law that the silver dollars shall not be coined? Is it right, and is it just, having obtained by legislation the consideration as stated on your side, and having agreed in the same legislation that the silver dollar shall be coined until the Treasury notes issued in payment thereof should be redeemed, that before your agreement can be complied with that the provision should be repealed?

Mr. Speaker, it is not right; it is not fair. This bill should not even be considered by this House, because, in my judgment, it is a violation of an implied agreement of the terms of a compromise measure. I therefore contend, first, that there is no necessity for this legislation, and the Treasury report this morning shows it conclusively, and, second, that it is a breach of good faith to a compromise when the moving consideration on one side has not been complied with.

Mr. Speaker, the time that is proposed by this resolution to consider a bill of this kind is absurd—two hours' debate on a bill which involves in one provision the right of the Secretary of the Treasury to melt down silver dollars until every one is out of existence. Is that the kind of consideration to be given to a bill of so serious a character? Is that the length of time we should

take to consider a bill to change the monetary system of our Government? No wonder the House is losing its character as a deliberative body. Mr. Speaker, it seems to me that from every point of view the resolution for this rule should be defeated.

Mr. DALZELL. Mr. Speaker, I ask for the previous question. The previous question was ordered.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

#### LEAVE OF ABSENCE.

Pending the motion, by unanimous consent, leave of absence was granted as follows:

To Mr. WATSON, for three days, on account of important business.

To Mr. BOREING, indefinitely, on account of important business.

The motion of Mr. PAYNE was then agreed to; accordingly (at 4 o'clock and 56 minutes) the House adjourned until tomorrow at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for repair of the naval laboratory, Brooklyn, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting papers and the draft of a bill, with a recommendation relating to the claim of the estate of George Lea Febiger—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a copy of a communication from the Chief of Ordnance, relating to the disposal of certain useless papers—to the Joint Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting letters and documents relating to comparative tests of the Gathmann torpedo gun and the 12-inch Army service rifle—to the Committee on Appropriations, and ordered to be printed, except the accompanying Senate and House documents.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 312) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year, reported the same with amendments, accompanied by a report (No. 2247); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Florida, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14247), to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina, reported the same without amendment, accompanied by a report (No. 2251); which said bill and report were referred to the House Calendar.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the House concurrent resolution (H. C. Res. 51) providing for the printing of 33,000 copies of a volume on farm animals, reported the same without amendment, accompanied by a report (No. 2256); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. REID, from the Committee on Claims, to which was referred the bill of the Senate (S. 111) for the relief of William J. Smith and D. M. Wisdom, reported the same without amendment, accompanied by a report (No. 2248); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7793) for the relief of Columbia Hospital and Dr. A. E. Boozer, reported the same without amendment, accompanied by a report (No. 2249); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the House resolution (H. Res. 228) referring to the Court of Claims the papers in the case of Peter Guttormson, reported the same without amendment, accompanied by a report (No. 2250); which said resolution and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 8186) for the relief of John D. Chadwick, reported the same without amendment, accompanied by a report (No. 2252); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 1928) for the relief of G. H. Sowder, reported the same without amendment, accompanied by a report (No. 2253); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10808) for the relief of Thomas Monteith, reported the same without amendment, accompanied by a report (No. 2254); which said bill and report were referred to the Private Calendar.

Mr. RHEA of Virginia, from the Committee on Claims, to which was referred the bill of the House (H. R. 12896) for the relief of George T. Larkin, reported the same without amendment, accompanied by a report (No. 2255); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6992) for the relief of certain enlisted men of the Twentieth Regiment New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 14576) for the relief of Wells & Zerwck, reported the same with amendments, accompanied by a report (No. 2258); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14705) to increase the pension of Lucien Bonapart Love, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. KAHN: A bill (H. R. 14738) to divide the State of California into three judicial districts—to the Committee on the Judiciary.

By Mr. DE ARMOND (by request): A bill (H. R. 14739) declaring the Osage River not to be a navigable stream above the point where the line between the counties of Benton and St. Clair, in the State of Missouri, crosses said river—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 14740) to increase the efficiency of the Marine Corps of the Navy—to the Committee on Naval Affairs.

By Mr. BURLESON: A bill (H. R. 14741) for the erection of statues of Baron De Kalb and Count Pulaski—to the Committee on the Library.

By Mr. SNOOK: A bill (H. R. 14742) to amend an act entitled "An act to incorporate a national military and naval asylum for the relief of totally disabled officers and men of the volunteer forces of the United States," approved March 3, 1865, and all acts amendatory thereof—to the Committee on Military Affairs.

By Mr. SCARBOROUGH: A bill (H. R. 14700) to provide for the erection of a monument to Brig. Gen. Francis Marion—to the Committee on the Library.

By Mr. EDDY: A joint resolution (H. J. Res. 196) empowering the State of Minnesota to file its selections for indemnity school lands upon public lands in Minnesota, otherwise undisposed of in townships, immediately upon the survey thereof in the field and prior to the approving and filing of the plat and survey thereof—to the Committee on the Public Lands.

By Mr. GOLDFOGLE: A resolution (H. Res. 274) asking for a statement of expenditures of Gen. Leonard Wood in the island of Cuba—to the Committee on Military Affairs.



## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CLARK (by request): A bill (H. R. 14743) granting a pension to William Dillon—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 14744) granting a pension to Smith B. Nunn—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 14745) granting an increase of pension to Thomas Reynolds—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 14746) granting an increase of pension to Francis Riley—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 14747) granting a pension to Amanda Blackford—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 14748) granting an increase of pension to John Oran—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 14749) granting an increase of pension to Margaret Heelan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14750) granting a pension to Thomas C. Kelsey—to the Committee on Invalid Pensions.

By Mr. MOODY of Oregon: A bill (H. R. 14751) granting an increase of pension to Regina F. Palmer—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 14752) granting an increase of pension to Gibby Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14753) granting an increase of pension to Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14754) granting an increase of pension to W. M. Houchin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14755) granting an increase of pension to Mrs. Ellen Johnson, widow of the late Capt. Oliver P. Johnson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14756) granting a pension to Robert P. Baker—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 14757) granting a pension to Sidney N. Lund—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14759) granting a pension to Margaret Herold—to the Committee on Invalid Pensions.

By Mr. CANNON: A resolution (H. Res. 273) to pay Rosa Nichols, mother of Charles C. Nichols, deceased, the expenses of the last illness and burial of said Charles C. Nichols in a sum not exceeding \$250, and an additional sum equal to six months' pay—to the Committee on Accounts.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Petition of North American Gymnastic Union of Hanover, Kans., in opposition to the passage of House bill 12199—to the Committee on Immigration and Naturalization.

By Mr. CANNON: Paper to accompany House resolution to pay Rosa Nichols expense of last illness and burial of Charles C. Nichols—to the Committee on Accounts.

By Mr. CREAMER: Resolutions of United Garment Workers and Clothing Cutters and Trimmers' Union of New York City and vicinity, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DOUGHERTY: Papers to accompany House bill granting a pension to William Dillon—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Petition of citizens of St. Clair County, Mo., for legislation concerning the Osage River—to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFITH: Papers to accompany House bill granting an increase of pension to Francis Riley—to the Committee on Invalid Pensions.

By Mr. McCLEARY: Petitions of J. S. Redmon and others, of Minneapolis, and citizens of Bemidji, Minn., favoring the enactment of bill (H. R. 10793) forbidding railroad officials to separate passengers on account of race or color—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. F. Crawford and other citizens of Bemidji, Minn., favoring Senate bill 5002 and House bill 12940, designated as the "inquiry commission bill"—to the Committee on Labor.

Also, petition of American Association of Masters and Pilots, to extend the lien for mariners' wages to the masters of vessels; to amend an act relating to injurious deposits within adjacent waters of New York City, and providing for investigation of the

conduct of officers of steam vessels by jury trial—to the Committee on the Merchant Marine and Fisheries.

By Mr. MERCER: Papers to accompany House bill 12722, granting a pension to Mary A. Peterson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 1409, granting a pension to Charles A. Warrick—to the Committee on Pensions.

By Mr. PALMER: Resolutions of United Mine Workers' Union No. 1217, of Luzerne; No. 582, of Sandy Run, and No. 209, of Stockton, Pa., favoring the restriction of the immigration of cheap labor from the south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill granting a pension to Jerome B. Cassavant—to the Committee on Invalid Pensions.

By Mr. SNOOK: Petitions of W. S. Edwards Camp, Spanish-American War Veterans, favoring the amendment of Senate bill 1220, so as to permit said veterans to place the name and number of their camps on the American flag—to the Committee on Military Affairs.

By Mr. THOMAS of Iowa: Petition of General Bell Post, No. 332, Grand Army of the Republic, Department of Iowa, favoring a bill to modify and simplify the pension laws—to the Committee on Invalid Pensions.

Also, petition of the board of supervisors of Sioux County, Iowa, in favor of indemnifying the State of Iowa and the counties thereof for the swamp lands granted under the act of September 28, 1850, and disposed of by the Government after the passage of said act—to the Committee on the Public Lands.

By Mr. WACHTER: Paper to accompany House bill granting a pension to Mary A. Talbott—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of the Shoe Manufacturers' Association of Philadelphia, Pa., against the passage of Senate bill 1118—to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, May 28, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.  
NAMING A PRESIDING OFFICER.

Mr. GALLINGER called the Senate to order, and the Secretary read the following communication:

UNITED STATES SENATE,  
Washington, D. C., May 28, 1902.

To the Senate:

The undersigned, performing the duties of the Chair during the absence of the President pro tempore, names Hon. JACOB H. GALLINGER, Senator from New Hampshire, to perform said duties during Wednesday, the 28th day of May, 1902.

O. H. PLATT.

Mr. GALLINGER thereupon took the chair as Presiding Officer for to-day, and directed the Secretary to read the Journal of yesterday's proceedings.

RECESS.

Mr. HOAR. Mr. President, the Acting President pro tempore is attending a funeral in his official capacity as a pallbearer, and the Senator who has the important pending business in charge is also there, and other Senators. I move that the Senate take a recess until 2 o'clock.

The PRESIDING OFFICER (Mr. GALLINGER). The Chair will suggest to the Senator from Massachusetts that in his opinion the Journal should first be read or its reading dispensed with.

Mr. HOAR. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Journal will stand approved.

Mr. HOAR. I renew my motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate take a recess until 2 o'clock.

The motion was agreed to; and the Senate took a recess until 2 o'clock p. m., at which hour it reassembled.

## CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The PRESIDING OFFICER (Mr. GALLINGER). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. WARREN. Do I understand there was an agreement that there should be no morning hour to-day?

Mr. LODGE. Two Senators gave notice that they are ready to speak to-day. I do not see the Senator from Tennessee [Mr. CARMACK] in the Chamber at this moment, but I understood that the